



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION III
1650 Arch Street
Philadelphia, Pennsylvania 19103-2029

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Mr. Tom Definbaugh
Snyder Brothers
670 West Washington Street
Bradford, Pennsylvania 16701

JAN - 8 2014

Re: October 24, 2013 – South on Rt. 321 from Route 59, Bradford, McKean County, PA

Dear Mr. Definbaugh:

This office has received information that you¹ discharged oil and/or hazardous substances in quantities that may be harmful in violation of Section 311(b)(3) of the Federal Water Pollution Control Act, 33 U.S.C. § 1321(b)(3) ("the Act") from a facility located at or near Route 321, Bradford, PA ("Facility," as further defined in *Enclosure I*). Accordingly, the U.S. Environmental Protection Agency (EPA) would like to obtain additional information regarding the alleged incident or incidents and about efforts you have undertaken at the Facility to inhibit spills of oil and/or hazardous substances including whether you/your facility is in compliance with the Spill Prevention, Control and Countermeasures (SPCC) Regulations found at Title 40 C.F.R. Part 112.

Pursuant to Section 308(a) of the Act, 33 U.S.C. § 1318(a), you are hereby required to submit to EPA the information requested in this letter. If you fail to properly respond to this request, you may be subject to penalties. Pursuant to Section 309(g) of the Act, 33 U.S.C. § 1319(g), any person who violates Section 308 of the Act is subject to administrative penalties. Pursuant to Section 309(d) of the Act, 33 U.S.C. § 1319(d), any person who violates Section 308 of the Act is subject to a civil penalty of up to \$32,500 per day of violation. You also may be subject to criminal penalties pursuant to Section 309(c) of the Act, 33 U.S.C. § 1319(c), for negligently or knowingly providing false information in response to this request. In addition, providing false, fictitious, or fraudulent statements or representations may subject you to criminal penalties under 18 U.S.C. § 1001. The information you provide may be used by EPA in administrative, civil or criminal proceedings.

You are entitled to assert a claim of business confidentiality covering any part or all of the information, in a manner described in 40 C.F.R. § 2.203(b). Information subject to a claim of business confidentiality will be made available to the public only in accordance with 40 C.F.R. Part 2, Subpart B. Unless a claim of business confidentiality is asserted at the time the requested information is submitted, EPA may make this information available to the public without further

¹For purposes of this letter, the term "you" shall refer to an individual, a company, a partnership, a sole proprietorship, or a corporation, whichever is applicable.

notice to you.

INFORMATION REQUIRED

1. Identify all substances released from the Facility in connection with the above referenced discharge, specifically identify:
 - a. The name and Chemical Abstract Services ("CAS") Number for each substance discharged;
 - b. For oils, identify the type and grade;
 - c. Provide the quantity, concentration of each substance discharged and the method by which the concentration was measured or estimated. For mixtures, provide the name, quantity, and concentration of each constituent of that mixture;
 - d. Provide the solubility and specific gravity of each substance discharged.
2. Describe the physical source (including, but not limited to vehicle, outfall, tank, container, pipe, ditch, conduit, or equipment) at the Facility from which the oil and/or hazardous substance or substances (the term "substance" as used here includes both oils and hazardous substances) initially was discharged on or around the above referenced date. If the substance was discharged from more than one source, please identify each specific source.
3. Provide the total quantity of substance(s) released from the Facility in gallons for oils and in pounds for hazardous substances.
4. List the location of the discharge, including the closest street address, the city, county, state, zip code, and provide the Global Positioning System ("GPS") coordinates.
5. List the starting time, date, and duration of the discharge and the time and date when the discharge entered a waterway.
6. List the time and date of the discovery of the discharge and the person(s) who made the discovery.
7. List the federal and state agencies, if any, to which the owner and/or operator reported the discharge(s), the dates and times on which the reports were made, and the name(s) and title(s) of the person(s) who made the reports.
8. Identify the first body of water that the substance reached. Identify the actual or estimated quantity of the substance(s) that entered that water body. Describe the location of any other water bodies that the substance(s) subsequently entered, including the actual or approximate distance from the Facility. In addition, state the actual or estimated quantity of the substance(s) that entered those additional water bodies.
9. Identify any storm drains or sewers through which the substances flowed, and identify the waters to which those storm drains or sewers subsequently drain. State the actual or estimated quantity of the substance(s) that entered the storm drain or sewer.

10. Identify whether each water identified in response to Questions 8 and 9 was, at the time of the spill, a “navigable water” as defined in *Enclosure 1*, a tributary of a navigable water; and/or physically connected to a navigable water. Identify all such navigable waters by name and identify the type of body of water (e.g. river, stream, lake, creek, or other type of body of water).
11. If no navigable waters are identified in response to Questions 8-10, identify whether the water system at any time connects with or flows into any hydrological system (such as a creek system). If so, identify the flow, extent, and duration of the connection to that system.
12. State the flow in cubic feet per second and the dimensions of each water body described in response to Questions 8 and 9. If there is no gauge station in the vicinity, please estimate the flow and provide the basis for that estimate.
13. Provide a description and the location of any adjoining shoreline upon which that substance may have reached. In addition, state the quantity of the substance that reached the adjoining shoreline.
14. For all discharges of oil to navigable waters, adjoining shorelines to navigable waters, or to any other water/shoreline, please indicate the following:
 - a. Did you observe from the oil a film, sheen, discoloration or iridescent appearance on the surface or shoreline of any water? If yes, please describe your observations;
 - b. Did, to your knowledge, any other person observe from the oil a film, sheen, discoloration or iridescent appearance on the surface or shoreline of any water? If yes, please identify all such persons and describe those observations;
 - c. Did you observe any oil sludge or oil emulsion beneath the surface or on the adjoining shorelines of any water? If yes, please describe your observations;
 - d. Did, to your knowledge, any other person observe any oil sludge or oil emulsion to be deposited beneath the surface or on the adjoining shorelines of any water? If yes, please identify all such persons and describe those observations.
15. Describe any damage to animal life or vegetation that you observed or otherwise have knowledge of.
16. List the name, address, telephone number, and affiliation of any and all persons who made any observations in response to Questions 14 and 15.
17. Identify the effect of the spill(s) on any water supply and give details if available (e.g., shutdown of public or private water supply). Provide the names and addresses of all persons that have been provided with an alternative water supply (e.g., bottled water) due to the spill or because of the threatened migration of contamination.
18. Does the facility have a National Pollutant Discharge Elimination System (NPDES) Permit or permit application? If yes, provide the permit number or, if no permit number has been issued at the time, the date upon which the application was filed.

19. If the substance(s) was discharged from an outfall, state whether the outfall was covered by an NPDES permit issued pursuant to Section 402 of the Act.
20. Identify all NPDES or state wastewater discharge permit conditions and/or water quality standards that may have been violated by the spill.
21. Provide a complete description of the cause or causes of the discharge (e.g., pump failure, by-pass of treatment system), as well as any other relevant circumstances. If the discharge was caused by the actions of a third party (for instance, as the result of an accident or vandalism), describe in detail the measures that were in place to prevent such actions. For vandalism, identify any enforcement agencies to which the owner or operator reported the vandalism.
22. Describe all steps taken to contain and clean up the spill(s) and to mitigate any environmental damage and/or threat to human health.
23. Describe any actions taken or planned to prevent the recurrence of incidents such as the release(s) identified above.
24. List the names, addresses, telephone numbers, and affiliations (e.g., name of governmental agency, contractor, or other entity) of all persons who were on the scene during the incident and/or during cleanup operations, as well as any other persons not present but otherwise believed to have knowledge of the facts surrounding the incident or incidents. For each person identified in response to this question, provide the time period during which they were present at the facility.
25. Provide the date on which operations began at the Facility
26. Provide the name(s) and address(es) of the owner(s) of the Facility.
27. Provide the name and address of the operator(s) of the Facility and describe the relationship between the owner(s) and operator(s) (i.e., employee, subcontractor, lessee, etc.). Identify any persons who concurrently with you exercised actual control or who held significant authority to control activities at the Facility at any time.
28. For production facilities, identify all prior owners and operators of the production facilities.
29. Identify any other leaks, spills, or releases of oil and/or hazardous substances into the environment that have occurred from the Facility within the last three years. For each such release, provide the following:
 - a. date;
 - b. duration of the release;
 - c. substance(s) released;
 - d. the approximate quantity of the substance(s) released;
 - e. the cause of the release;
 - f. the location of the release;

- g. any and all activities undertaken in response to each such release or threatened release, including the notification of any agencies or governmental units about the release;
 - h. The result of any and all investigations of the circumstances, nature, extent or location of the release or threatened release, including the results of any soil and water (ground and surface) testing undertaken;
 - i. Whether any persons were provided with an alternative water supply; and
 - j. All persons with information related to these releases.
30. Describe the storage units at the Facility (*e.g.*, above ground tanks or underground tanks) and provide the types of substance(s) stored and the total storage capacity of each storage unit by name and CAS number.
31. Does the owner/operator of the Facility have in place a Spill Prevention, Control and Countermeasures ("SPCC") plan pursuant to 40 C.F.R. Part 112?
32. Provide a description of all procedures used to prevent and/or contain spills of substances from the Facility. This description should indicate the tanks, tank cars, tank trucks, or other equipment that are protected by dikes, the amount of material that can be contained by each dike, and the number of tanks, tank cars, tank trucks, and other equipment protected by each dike.
33. List any other information you wish to bring to the attention of the federal government at this time related to this matter.

Certify the information provided in response to the above questions in the following manner:

I hereby certify the above to be true and accurate to the best of my knowledge.

Signature: _____

Name (Please print or type): _____

Title: _____

Telephone Number: _____

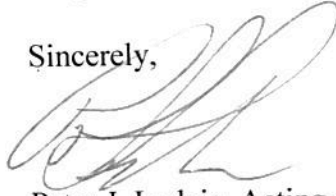
Your response should be mailed within **thirty (30) days** of your receipt of this letter to:

U.S. ENVIRONMENTAL PROTECTION AGENCY
REGION III
ATTN: PAULA CURTIN (MAILCODE 3HS61)
1060 CHAPLINE STREET
WHEELING, WV 26003

This request for information is not subject to review by the Office of Management and Budget pursuant to the Paperwork Reduction Act, 44 U.S.C. §§ 3501-3520.

If you have any questions on this matter, please call Paula Curtin at (304) 234-0256.

Sincerely,

A handwritten signature in black ink, appearing to read 'P. Ludzia', with a large, stylized flourish at the end.

Peter J. Ludzia, Acting Associate Director
Office of Enforcement
Hazardous Site Cleanup Division

cc: Paula Curtin (3HS61)

ENCLOSURE 1: DEFINITIONS

Discharge: For purposes of Section 311 of the Act, a discharge to navigable waters or adjoining shorelines includes, but is not limited to, any spilling, leaking, pumping, pouring, emitting, emptying, or dumping, but excludes certain discharges in compliance with a permit under Section 402 of the Act.

Drill Pad: Drill pad shall mean any drilling pad, platform, or other structure designed for use and/or actually used to drill for purposes of natural gas production, and shall include any and all equipment such as drill rigs, contained thereon.

Onshore facility: The term onshore facility shall mean any facility (including, but not limited to, motor vehicles and rolling stock) of any kind located in, on, or under, any land within the United States other than submerged land.

Offshore facility: The term offshore facility shall mean any facility of any kind located in, on, or under, any of the navigable waters of the United States, and any facility of any kind which is subject to the jurisdiction of the United States and is located in, on, or under any other waters, other than a vessel or a public vessel.

Navigable Waters: Navigable waters of the United States means “navigable waters” as defined in section 502(7) of the FWPCA, and includes: (1) All navigable waters of the United States, as defined in judicial decisions prior to passage of the 1972 Amendments to the FWPCA (Pub. L. 92-500), and tributaries of such waters; (2) Interstate waters; (3) Intrastate lakes, rivers, and streams which are utilized by interstate travelers for recreational or other purposes; and (4) Intrastate lakes, rivers, and streams from which fish or shellfish are taken and sold in interstate commerce.

Mobile Refueler: Mobile refueler means a bulk storage container onboard a vehicle or towed, that is designed or used solely to store and transport fuel for transfer into or from an aircraft, motor vehicle, locomotive, vessel, ground service equipment, or other oil storage container.

Natural Gas Production Facility: Natural Gas Production Facility (NGPF) means all structures (including but not limited to wells, platforms, or storage facilities), piping (including but not limited to flowlines or gathering lines), or equipment (including but not limited to workover equipment, separation equipment, or auxiliary non-transportation equipment) used in the production, extraction, recovery, movement, stabilization, separation and/or treating of natural gas.

Oil-filled Operational Equipment: Oil-filled operational equipment means equipment that includes an oil storage container (or multiple containers) in which the oil is present solely to support the function of the apparatus or the device. Oil-filled operational equipment is not considered a bulk storage container, and does not include oil-filled manufacturing equipment (flow-through process). Examples of oil-filled operational equipment include, but are not limited to, hydraulic systems, lubricating systems (*e.g.*, those for pumps, compressors and other rotating equipment, including pumpjack lubrication systems), gear boxes, machining coolant systems, heat transfer systems, transformers, circuit breakers, electrical switches, and other systems containing oil solely to enable the operation of the device.

Well: The term means any well that is used for or is related to natural gas production.



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION III
1650 Arch Street
Philadelphia, Pennsylvania 19103-2029

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Mr. Dan Fenton
Fenton Welding Transport LLC
41166 Route 6
Wyalusing, Pennsylvania 18853

JAN 15 2014

Re: October 2, 2013 – Turkey Path Rd., near Route 706, Wyalusing, Bradford County, PA

Dear Mr. Fenton:

This office has received information that you¹ discharged oil and/or hazardous substances in quantities that may be harmful in violation of Section 311(b)(3) of the Federal Water Pollution Control Act, 33 U.S.C. § 1321(b)(3) ("the Act") from a facility located at or near Turkey Path Rd., near Route 706, Wyalusing, PA ("Facility," as further defined in *Enclosure 1*). Accordingly, the U.S. Environmental Protection Agency (EPA) would like to obtain additional information regarding the alleged incident or incidents and about efforts you have undertaken at the Facility to inhibit spills of oil and/or hazardous substances including whether you/your facility is in compliance with the Spill Prevention, Control and Countermeasures (SPCC) Regulations found at Title 40 C.F.R. Part 112.

Pursuant to Section 308(a) of the Act, 33 U.S.C. § 1318(a), you are hereby required to submit to EPA the information requested in this letter. If you fail to properly respond to this request, you may be subject to penalties. Pursuant to Section 309(g) of the Act, 33 U.S.C. § 1319(g), any person who violates Section 308 of the Act is subject to administrative penalties. Pursuant to Section 309(d) of the Act, 33 U.S.C. § 1319(d), any person who violates Section 308 of the Act is subject to a civil penalty of up to \$32,500 per day of violation. You also may be subject to criminal penalties pursuant to Section 309(c) of the Act, 33 U.S.C. § 1319(c), for negligently or knowingly providing false information in response to this request. In addition, providing false, fictitious, or fraudulent statements or representations may subject you to criminal penalties under 18 U.S.C. § 1001. The information you provide may be used by EPA in administrative, civil or criminal proceedings.

You are entitled to assert a claim of business confidentiality covering any part or all of the information, in a manner described in 40 C.F.R. § 2.203(b). Information subject to a claim of business confidentiality will be made available to the public only in accordance with 40 C.F.R. Part 2, Subpart B. Unless a claim of business confidentiality is asserted at the time the requested information is submitted, EPA may make this information available to the public without further

¹For purposes of this letter, the term "you" shall refer to an individual, a company, a partnership, a sole proprietorship, or a corporation, whichever is applicable.

notice to you.

INFORMATION REQUIRED

1. Identify all substances released from the Facility in connection with the above referenced discharge, specifically identify:
 - a. The name and Chemical Abstract Services ("CAS") Number for each substance discharged;
 - b. For oils, identify the type and grade;
 - c. Provide the quantity, concentration of each substance discharged and the method by which the concentration was measured or estimated. For mixtures, provide the name, quantity, and concentration of each constituent of that mixture;
 - d. Provide the solubility and specific gravity of each substance discharged.
2. Describe the physical source (including, but not limited to vehicle, outfall, tank, container, pipe, ditch, conduit, or equipment) at the Facility from which the oil and/or hazardous substance or substances (the term "substance" as used here includes both oils and hazardous substances) initially was discharged on or around the above referenced date. If the substance was discharged from more than one source, please identify each specific source.
3. Provide the total quantity of substance(s) released from the Facility in gallons for oils and in pounds for hazardous substances.
4. List the location of the discharge, including the closest street address, the city, county, state, zip code, and provide the Global Positioning System ("GPS") coordinates.
5. List the starting time, date, and duration of the discharge and the time and date when the discharge entered a waterway.
6. List the time and date of the discovery of the discharge and the person(s) who made the discovery.
7. List the federal and state agencies, if any, to which the owner and/or operator reported the discharge(s), the dates and times on which the reports were made, and the name(s) and title(s) of the person(s) who made the reports.
8. Identify the first body of water that the substance reached. Identify the actual or estimated quantity of the substance(s) that entered that water body. Describe the location of any other water bodies that the substance(s) subsequently entered, including the actual or approximate distance from the Facility. In addition, state the actual or estimated quantity of the substance(s) that entered those additional water bodies.
9. Identify any storm drains or sewers through which the substances flowed, and identify the waters to which those storm drains or sewers subsequently drain. State the actual or estimated quantity of the substance(s) that entered the storm drain or sewer.

10. Identify whether each water identified in response to Questions 8 and 9 was, at the time of the spill, a "navigable water" as defined in *Enclosure 1*, a tributary of a navigable water; and/or physically connected to a navigable water. Identify all such navigable waters by name and identify the type of body of water (e.g. river, stream, lake, creek, or other type of body of water).
11. If no navigable waters are identified in response to Questions 8-10, identify whether the water system at any time connects with or flows into any hydrological system (such as a creek system). If so, identify the flow, extent, and duration of the connection to that system.
12. State the flow in cubic feet per second and the dimensions of each water body described in response to Questions 8 and 9. If there is no gauge station in the vicinity, please estimate the flow and provide the basis for that estimate.
13. Provide a description and the location of any adjoining shoreline upon which that substance may have reached. In addition, state the quantity of the substance that reached the adjoining shoreline.
14. For all discharges of oil to navigable waters, adjoining shorelines to navigable waters, or to any other water/shoreline, please indicate the following:
 - a. Did you observe from the oil a film, sheen, discoloration or iridescent appearance on the surface or shoreline of any water? If yes, please describe your observations;
 - b. Did, to your knowledge, any other person observe from the oil a film, sheen, discoloration or iridescent appearance on the surface or shoreline of any water? If yes, please identify all such persons and describe those observations;
 - c. Did you observe any oil sludge or oil emulsion beneath the surface or on the adjoining shorelines of any water? If yes, please describe your observations;
 - d. Did, to your knowledge, any other person observe any oil sludge or oil emulsion to be deposited beneath the surface or on the adjoining shorelines of any water? If yes, please identify all such persons and describe those observations.
15. Describe any damage to animal life or vegetation that you observed or otherwise have knowledge of.
16. List the name, address, telephone number, and affiliation of any and all persons who made any observations in response to Questions 14 and 15.
17. Identify the effect of the spill(s) on any water supply and give details if available (e.g., shutdown of public or private water supply). Provide the names and addresses of all persons that have been provided with an alternative water supply (e.g., bottled water) due to the spill or because of the threatened migration of contamination.
18. Does the facility have a National Pollutant Discharge Elimination System (NPDES) Permit or permit application? If yes, provide the permit number or, if no permit number has been issued at the time, the date upon which the application was filed.

19. If the substance(s) was discharged from an outfall, state whether the outfall was covered by an NPDES permit issued pursuant to Section 402 of the Act.
20. Identify all NPDES or state wastewater discharge permit conditions and/or water quality standards that may have been violated by the spill.
21. Provide a complete description of the cause or causes of the discharge (e.g., pump failure, by-pass of treatment system), as well as any other relevant circumstances. If the discharge was caused by the actions of a third party (for instance, as the result of an accident or vandalism), describe in detail the measures that were in place to prevent such actions. For vandalism, identify any enforcement agencies to which the owner or operator reported the vandalism.
22. Describe all steps taken to contain and clean up the spill(s) and to mitigate any environmental damage and/or threat to human health.
23. Describe any actions taken or planned to prevent the recurrence of incidents such as the release(s) identified above.
24. List the names, addresses, telephone numbers, and affiliations (e.g., name of governmental agency, contractor, or other entity) of all persons who were on the scene during the incident and/or during cleanup operations, as well as any other persons not present but otherwise believed to have knowledge of the facts surrounding the incident or incidents. For each person identified in response to this question, provide the time period during which they were present at the facility.
25. Provide the date on which operations began at the Facility
26. Provide the name(s) and address(es) of the owner(s) of the Facility.
27. Provide the name and address of the operator(s) of the Facility and describe the relationship between the owner(s) and operator(s) (i.e., employee, subcontractor, lessee, etc.). Identify any persons who concurrently with you exercised actual control or who held significant authority to control activities at the Facility at any time.
28. For production facilities, identify all prior owners and operators of the production facilities.
29. Identify any other leaks, spills, or releases of oil and/or hazardous substances into the environment that have occurred from the Facility within the last three years. For each such release, provide the following:
 - a. date;
 - b. duration of the release;
 - c. substance(s) released;
 - d. the approximate quantity of the substance(s) released;
 - e. the cause of the release;
 - f. the location of the release;

- g. any and all activities undertaken in response to each such release or threatened release, including the notification of any agencies or governmental units about the release;
 - h. The result of any and all investigations of the circumstances, nature, extent or location of the release or threatened release, including the results of any soil and water (ground and surface) testing undertaken;
 - i. Whether any persons were provided with an alternative water supply; and
 - j. All persons with information related to these releases.
30. Describe the storage units at the Facility (*e.g.*, above ground tanks or underground tanks) and provide the types of substance(s) stored and the total storage capacity of each storage unit by name and CAS number.
31. Does the owner/operator of the Facility have in place a Spill Prevention, Control and Countermeasures ("SPCC") plan pursuant to 40 C.F.R. Part 112?
32. Provide a description of all procedures used to prevent and/or contain spills of substances from the Facility. This description should indicate the tanks, tank cars, tank trucks, or other equipment that are protected by dikes, the amount of material that can be contained by each dike, and the number of tanks, tank cars, tank trucks, and other equipment protected by each dike.
33. List any other information you wish to bring to the attention of the federal government at this time related to this matter.

Certify the information provided in response to the above questions in the following manner:

I hereby certify the above to be true and accurate to the best of my knowledge.

Signature: _____

Name (Please print or type): _____

Title: _____

Telephone Number: _____

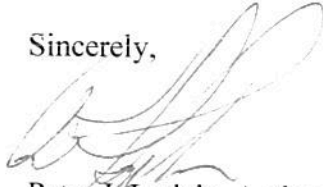
Your response should be mailed within **thirty (30) days** of your receipt of this letter to:

U.S. ENVIRONMENTAL PROTECTION AGENCY
REGION III
ATTN: PAULA CURTIN (MAILCODE 3HS61)
1060 CHAPLINE STREET
WHEELING, WV 26003

This request for information is not subject to review by the Office of Management and Budget pursuant to the Paperwork Reduction Act, 44 U.S.C. §§ 3501-3520.

If you have any questions on this matter, please call Paula Curtin at (304) 234-0256.

Sincerely,

A handwritten signature in dark ink, appearing to read 'P. Ludzia', is written over the word 'Sincerely,'.

Peter J. Ludzia, Acting Associate Director
Office of Enforcement
Hazardous Site Cleanup Division

cc: Paula Curtin (3HS61)

ENCLOSURE 1: DEFINITIONS

Discharge: For purposes of Section 311 of the Act, a discharge to navigable waters or adjoining shorelines includes, but is not limited to, any spilling, leaking, pumping, pouring, emitting, emptying, or dumping, but excludes certain discharges in compliance with a permit under Section 402 of the Act.

Drill Pad: Drill pad shall mean any drilling pad, platform, or other structure designed for use and/or actually used to drill for purposes of natural gas production, and shall include any and all equipment such as drill rigs, contained thereon.

Onshore facility: The term onshore facility shall mean any facility (including, but not limited to, motor vehicles and rolling stock) of any kind located in, on, or under, any land within the United States other than submerged land.

Offshore facility: The term offshore facility shall mean any facility of any kind located in, on, or under, any of the navigable waters of the United States, and any facility of any kind which is subject to the jurisdiction of the United States and is located in, on, or under any other waters, other than a vessel or a public vessel.

Navigable Waters: Navigable waters of the United States means “navigable waters” as defined in section 502(7) of the FWPCA, and includes: (1) All navigable waters of the United States, as defined in judicial decisions prior to passage of the 1972 Amendments to the FWPCA (Pub. L. 92-500), and tributaries of such waters; (2) Interstate waters; (3) Intrastate lakes, rivers, and streams which are utilized by interstate travelers for recreational or other purposes; and (4) Intrastate lakes, rivers, and streams from which fish or shellfish are taken and sold in interstate commerce.

Mobile Refueler: Mobile refueler means a bulk storage container onboard a vehicle or towed, that is designed or used solely to store and transport fuel for transfer into or from an aircraft, motor vehicle, locomotive, vessel, ground service equipment, or other oil storage container.

Natural Gas Production Facility: Natural Gas Production Facility (NGPF) means all structures (including but not limited to wells, platforms, or storage facilities), piping (including but not limited to flowlines or gathering lines), or equipment (including but not limited to workover equipment, separation equipment, or auxiliary non-transportation equipment) used in the production, extraction, recovery, movement, stabilization, separation and/or treating of natural gas.

Oil-filled Operational Equipment: Oil-filled operational equipment means equipment that includes an oil storage container (or multiple containers) in which the oil is present solely to support the function of the apparatus or the device. Oil-filled operational equipment is not considered a bulk storage container, and does not include oil-filled manufacturing equipment (flow-through process). Examples of oil-filled operational equipment include, but are not limited to, hydraulic systems, lubricating systems (e.g., those for pumps, compressors and other rotating equipment, including pumpjack lubrication systems), gear boxes, machining coolant systems, heat transfer systems, transformers, circuit breakers, electrical switches, and other systems containing oil solely to enable the operation of the device.

Well: The term means any well that is used for or is related to natural gas production.



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION III
1650 Arch Street
Philadelphia, Pennsylvania 19103-2029

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Mr. Josh Ritchie, Manager
Lezzer Lumber
5279 Shaffer Road
DuBois, Pennsylvania 15801

JAN 15 2014

Re: October 29, 2013 – 5279 Shaffer Rd., DuBois, Clearfield County, PA

Dear Mr. Ritchie:

This office has received information that you¹ discharged oil and/or hazardous substances in quantities that may be harmful in violation of Section 311(b)(3) of the Federal Water Pollution Control Act, 33 U.S.C. § 1321(b)(3) ("the Act") from a facility located at or near 5279 Shaffer Rd., DuBois, PA ("Facility," as further defined in *Enclosure 1*). Accordingly, the U.S. Environmental Protection Agency (EPA) would like to obtain additional information regarding the alleged incident or incidents and about efforts you have undertaken at the Facility to inhibit spills of oil and/or hazardous substances including whether you/your facility is in compliance with the Spill Prevention, Control and Countermeasures (SPCC) Regulations found at Title 40 C.F.R. Part 112.

Pursuant to Section 308(a) of the Act, 33 U.S.C. § 1318(a), you are hereby required to submit to EPA the information requested in this letter. If you fail to properly respond to this request, you may be subject to penalties. Pursuant to Section 309(g) of the Act, 33 U.S.C. § 1319(g), any person who violates Section 308 of the Act is subject to administrative penalties. Pursuant to Section 309(d) of the Act, 33 U.S.C. § 1319(d), any person who violates Section 308 of the Act is subject to a civil penalty of up to \$32,500 per day of violation. You also may be subject to criminal penalties pursuant to Section 309(c) of the Act, 33 U.S.C. § 1319(c), for negligently or knowingly providing false information in response to this request. In addition, providing false, fictitious, or fraudulent statements or representations may subject you to criminal penalties under 18 U.S.C. § 1001. The information you provide may be used by EPA in administrative, civil or criminal proceedings.

You are entitled to assert a claim of business confidentiality covering any part or all of the information, in a manner described in 40 C.F.R. § 2.203(b). Information subject to a claim of business confidentiality will be made available to the public only in accordance with 40 C.F.R. Part 2, Subpart B. Unless a claim of business confidentiality is asserted at the time the requested information is submitted, EPA may make this information available to the public without further

¹For purposes of this letter, the term "you" shall refer to an individual, a company, a partnership, a sole proprietorship, or a corporation, whichever is applicable.

notice to you.

INFORMATION REQUIRED

1. Identify all substances released from the Facility in connection with the above referenced discharge, specifically identify:
 - a. The name and Chemical Abstract Services ("CAS") Number for each substance discharged;
 - b. For oils, identify the type and grade;
 - c. Provide the quantity, concentration of each substance discharged and the method by which the concentration was measured or estimated. For mixtures, provide the name, quantity, and concentration of each constituent of that mixture;
 - d. Provide the solubility and specific gravity of each substance discharged.
2. Describe the physical source (including, but not limited to vehicle, outfall, tank, container, pipe, ditch, conduit, or equipment) at the Facility from which the oil and/or hazardous substance or substances (the term "substance" as used here includes both oils and hazardous substances) initially was discharged on or around the above referenced date. If the substance was discharged from more than one source, please identify each specific source.
3. Provide the total quantity of substance(s) released from the Facility in gallons for oils and in pounds for hazardous substances.
4. List the location of the discharge, including the closest street address, the city, county, state, zip code, and provide the Global Positioning System ("GPS") coordinates.
5. List the starting time, date, and duration of the discharge and the time and date when the discharge entered a waterway.
6. List the time and date of the discovery of the discharge and the person(s) who made the discovery.
7. List the federal and state agencies, if any, to which the owner and/or operator reported the discharge(s), the dates and times on which the reports were made, and the name(s) and title(s) of the person(s) who made the reports.
8. Identify the first body of water that the substance reached. Identify the actual or estimated quantity of the substance(s) that entered that water body. Describe the location of any other water bodies that the substance(s) subsequently entered, including the actual or approximate distance from the Facility. In addition, state the actual or estimated quantity of the substance(s) that entered those additional water bodies.
9. Identify any storm drains or sewers through which the substances flowed, and identify the waters to which those storm drains or sewers subsequently drain. State the actual or estimated quantity of the substance(s) that entered the storm drain or sewer.

10. Identify whether each water identified in response to Questions 8 and 9 was, at the time of the spill, a "navigable water" as defined in *Enclosure 1*, a tributary of a navigable water; and/or physically connected to a navigable water. Identify all such navigable waters by name and identify the type of body of water (e.g. river, stream, lake, creek, or other type of body of water).
11. If no navigable waters are identified in response to Questions 8-10, identify whether the water system at any time connects with or flows into any hydrological system (such as a creek system). If so, identify the flow, extent, and duration of the connection to that system.
12. State the flow in cubic feet per second and the dimensions of each water body described in response to Questions 8 and 9. If there is no gauge station in the vicinity, please estimate the flow and provide the basis for that estimate.
13. Provide a description and the location of any adjoining shoreline upon which that substance may have reached. In addition, state the quantity of the substance that reached the adjoining shoreline.
14. For all discharges of oil to navigable waters, adjoining shorelines to navigable waters, or to any other water/shoreline, please indicate the following:
 - a. Did you observe from the oil a film, sheen, discoloration or iridescent appearance on the surface or shoreline of any water? If yes, please describe your observations;
 - b. Did, to your knowledge, any other person observe from the oil a film, sheen, discoloration or iridescent appearance on the surface or shoreline of any water? If yes, please identify all such persons and describe those observations;
 - c. Did you observe any oil sludge or oil emulsion beneath the surface or on the adjoining shorelines of any water? If yes, please describe your observations;
 - d. Did, to your knowledge, any other person observe any oil sludge or oil emulsion to be deposited beneath the surface or on the adjoining shorelines of any water? If yes, please identify all such persons and describe those observations.
15. Describe any damage to animal life or vegetation that you observed or otherwise have knowledge of.
16. List the name, address, telephone number, and affiliation of any and all persons who made any observations in response to Questions 14 and 15.
17. Identify the effect of the spill(s) on any water supply and give details if available (e.g., shutdown of public or private water supply). Provide the names and addresses of all persons that have been provided with an alternative water supply (e.g., bottled water) due to the spill or because of the threatened migration of contamination.
18. Does the facility have a National Pollutant Discharge Elimination System (NPDES) Permit or permit application? If yes, provide the permit number or, if no permit number has been issued at the time, the date upon which the application was filed.

19. If the substance(s) was discharged from an outfall, state whether the outfall was covered by an NPDES permit issued pursuant to Section 402 of the Act.
20. Identify all NPDES or state wastewater discharge permit conditions and/or water quality standards that may have been violated by the spill.
21. Provide a complete description of the cause or causes of the discharge (e.g., pump failure, by-pass of treatment system), as well as any other relevant circumstances. If the discharge was caused by the actions of a third party (for instance, as the result of an accident or vandalism), describe in detail the measures that were in place to prevent such actions. For vandalism, identify any enforcement agencies to which the owner or operator reported the vandalism.
22. Describe all steps taken to contain and clean up the spill(s) and to mitigate any environmental damage and/or threat to human health.
23. Describe any actions taken or planned to prevent the recurrence of incidents such as the release(s) identified above.
24. List the names, addresses, telephone numbers, and affiliations (e.g., name of governmental agency, contractor, or other entity) of all persons who were on the scene during the incident and/or during cleanup operations, as well as any other persons not present but otherwise believed to have knowledge of the facts surrounding the incident or incidents. For each person identified in response to this question, provide the time period during which they were present at the facility.
25. Provide the date on which operations began at the Facility
26. Provide the name(s) and address(es) of the owner(s) of the Facility.
27. Provide the name and address of the operator(s) of the Facility and describe the relationship between the owner(s) and operator(s) (i.e., employee, subcontractor, lessee, etc.). Identify any persons who concurrently with you exercised actual control or who held significant authority to control activities at the Facility at any time.
28. For production facilities, identify all prior owners and operators of the production facilities.
29. Identify any other leaks, spills, or releases of oil and/or hazardous substances into the environment that have occurred from the Facility within the last three years. For each such release, provide the following:
 - a. date;
 - b. duration of the release;
 - c. substance(s) released;
 - d. the approximate quantity of the substance(s) released;
 - e. the cause of the release;
 - f. the location of the release;

- g. any and all activities undertaken in response to each such release or threatened release, including the notification of any agencies or governmental units about the release;
 - h. The result of any and all investigations of the circumstances, nature, extent or location of the release or threatened release, including the results of any soil and water (ground and surface) testing undertaken;
 - i. Whether any persons were provided with an alternative water supply; and
 - j. All persons with information related to these releases.
30. Describe the storage units at the Facility (*e.g.*, above ground tanks or underground tanks) and provide the types of substance(s) stored and the total storage capacity of each storage unit by name and CAS number.
31. Does the owner/operator of the Facility have in place a Spill Prevention, Control and Countermeasures ("SPCC") plan pursuant to 40 C.F.R. Part 112?
32. Provide a description of all procedures used to prevent and/or contain spills of substances from the Facility. This description should indicate the tanks, tank cars, tank trucks, or other equipment that are protected by dikes, the amount of material that can be contained by each dike, and the number of tanks, tank cars, tank trucks, and other equipment protected by each dike.
33. List any other information you wish to bring to the attention of the federal government at this time related to this matter.

Certify the information provided in response to the above questions in the following manner:

I hereby certify the above to be true and accurate to the best of my knowledge.

Signature: _____

Name (Please print or type): _____

Title: _____

Telephone Number: _____

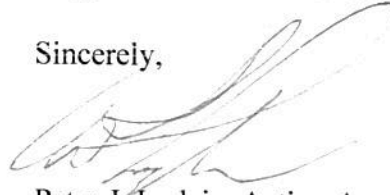
Your response should be mailed within **thirty (30) days** of your receipt of this letter to:

U.S. ENVIRONMENTAL PROTECTION AGENCY
REGION III
ATTN: PAULA CURTIN (MAILCODE 3HS61)
1060 CHAPLINE STREET
WHEELING, WV 26003

This request for information is not subject to review by the Office of Management and Budget pursuant to the Paperwork Reduction Act, 44 U.S.C. §§ 3501-3520.

If you have any questions on this matter, please call Paula Curtin at (304) 234-0256.

Sincerely,

A handwritten signature in dark ink, appearing to read 'Peter J. Ludzia', written in a cursive style.

Peter J. Ludzia, Acting Associate Director
Office of Enforcement
Hazardous Site Cleanup Division

cc: Paula Curtin (3HS61)

ENCLOSURE 1: DEFINITIONS

Discharge: For purposes of Section 311 of the Act, a discharge to navigable waters or adjoining shorelines includes, but is not limited to, any spilling, leaking, pumping, pouring, emitting, emptying, or dumping, but excludes certain discharges in compliance with a permit under Section 402 of the Act.

Drill Pad: Drill pad shall mean any drilling pad, platform, or other structure designed for use and/or actually used to drill for purposes of natural gas production, and shall include any and all equipment such as drill rigs, contained thereon.

Onshore facility: The term onshore facility shall mean any facility (including, but not limited to, motor vehicles and rolling stock) of any kind located in, on, or under, any land within the United States other than submerged land.

Offshore facility: The term offshore facility shall mean any facility of any kind located in, on, or under, any of the navigable waters of the United States, and any facility of any kind which is subject to the jurisdiction of the United States and is located in, on, or under any other waters, other than a vessel or a public vessel.

Navigable Waters: Navigable waters of the United States means “navigable waters” as defined in section 502(7) of the FWPCA, and includes: (1) All navigable waters of the United States, as defined in judicial decisions prior to passage of the 1972 Amendments to the FWPCA (Pub. L. 92-500), and tributaries of such waters; (2) Interstate waters; (3) Intrastate lakes, rivers, and streams which are utilized by interstate travelers for recreational or other purposes; and (4) Intrastate lakes, rivers, and streams from which fish or shellfish are taken and sold in interstate commerce.

Mobile Refueler: Mobile refueler means a bulk storage container onboard a vehicle or towed, that is designed or used solely to store and transport fuel for transfer into or from an aircraft, motor vehicle, locomotive, vessel, ground service equipment, or other oil storage container.

Natural Gas Production Facility: Natural Gas Production Facility (NGPF) means all structures (including but not limited to wells, platforms, or storage facilities), piping (including but not limited to flowlines or gathering lines), or equipment (including but not limited to workover equipment, separation equipment, or auxiliary non-transportation equipment) used in the production, extraction, recovery, movement, stabilization, separation and/or treating of natural gas.

Oil-filled Operational Equipment: Oil-filled operational equipment means equipment that includes an oil storage container (or multiple containers) in which the oil is present solely to support the function of the apparatus or the device. Oil-filled operational equipment is not considered a bulk storage container, and does not include oil-filled manufacturing equipment (flow-through process). Examples of oil-filled operational equipment include, but are not limited to, hydraulic systems, lubricating systems (*e.g.*, those for pumps, compressors and other rotating equipment, including pumpjack lubrication systems), gear boxes, machining coolant systems, heat transfer systems, transformers, circuit breakers, electrical switches, and other systems containing oil solely to enable the operation of the device.

Well: The term means any well that is used for or is related to natural gas production.



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION III
1650 Arch Street
Philadelphia, Pennsylvania 19103-2029

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Ms. Allison Crane
DuPont
8480 DuPont Road
Washington, West Virginia 26181-8398

JAN 29 2014

Re: October 25, 2013 – 8480 DuPont Rd., Washington, Wood County, WV

Dear Ms. Crane:

This office has received information that you¹ discharged oil and/or hazardous substances in quantities that may be harmful in violation of Section 311(b)(3) of the Federal Water Pollution Control Act, 33 U.S.C. § 1321(b)(3) ("the Act") from a facility located at or near 8480 DuPont Rd., Washington, WV ("Facility," as further defined in *Enclosure 1*). Accordingly, the U.S. Environmental Protection Agency (EPA) would like to obtain additional information regarding the alleged incident or incidents and about efforts you have undertaken at the Facility to inhibit spills of oil and/or hazardous substances including whether you/your facility is in compliance with the Spill Prevention, Control and Countermeasures (SPCC) Regulations found at Title 40 C.F.R. Part 112.

Pursuant to Section 308(a) of the Act, 33 U.S.C. § 1318(a), you are hereby required to submit to EPA the information requested in this letter. If you fail to properly respond to this request, you may be subject to penalties. Pursuant to Section 309(g) of the Act, 33 U.S.C. § 1319(g), any person who violates Section 308 of the Act is subject to administrative penalties. Pursuant to Section 309(d) of the Act, 33 U.S.C. § 1319(d), any person who violates Section 308 of the Act is subject to a civil penalty of up to \$32,500 per day of violation. You also may be subject to criminal penalties pursuant to Section 309(c) of the Act, 33 U.S.C. § 1319(c), for negligently or knowingly providing false information in response to this request. In addition, providing false, fictitious, or fraudulent statements or representations may subject you to criminal penalties under 18 U.S.C. § 1001. The information you provide may be used by EPA in administrative, civil or criminal proceedings.

You are entitled to assert a claim of business confidentiality covering any part or all of the information, in a manner described in 40 C.F.R. § 2.203(b). Information subject to a claim of business confidentiality will be made available to the public only in accordance with 40 C.F.R. Part 2, Subpart B. Unless a claim of business confidentiality is asserted at the time the requested information is submitted, EPA may make this information available to the public without further

¹For purposes of this letter, the term "you" shall refer to an individual, a company, a partnership, a sole proprietorship, or a corporation, whichever is applicable.

notice to you.

INFORMATION REQUIRED

1. Identify all substances released from the Facility in connection with the above referenced discharge, specifically identify:
 - a. The name and Chemical Abstract Services ("CAS") Number for each substance discharged;
 - b. For oils, identify the type and grade;
 - c. Provide the quantity, concentration of each substance discharged and the method by which the concentration was measured or estimated. For mixtures, provide the name, quantity, and concentration of each constituent of that mixture;
 - d. Provide the solubility and specific gravity of each substance discharged.
2. Describe the physical source (including, but not limited to vehicle, outfall, tank, container, pipe, ditch, conduit, or equipment) at the Facility from which the oil and/or hazardous substance or substances (the term "substance" as used here includes both oils and hazardous substances) initially was discharged on or around the above referenced date. If the substance was discharged from more than one source, please identify each specific source.
3. Provide the total quantity of substance(s) released from the Facility in gallons for oils and in pounds for hazardous substances.
4. List the location of the discharge, including the closest street address, the city, county, state, zip code, and provide the Global Positioning System ("GPS") coordinates.
5. List the starting time, date, and duration of the discharge and the time and date when the discharge entered a waterway.
6. List the time and date of the discovery of the discharge and the person(s) who made the discovery.
7. List the federal and state agencies, if any, to which the owner and/or operator reported the discharge(s), the dates and times on which the reports were made, and the name(s) and title(s) of the person(s) who made the reports.
8. Identify the first body of water that the substance reached. Identify the actual or estimated quantity of the substance(s) that entered that water body. Describe the location of any other water bodies that the substance(s) subsequently entered, including the actual or approximate distance from the Facility. In addition, state the actual or estimated quantity of the substance(s) that entered those additional water bodies.
9. Identify any storm drains or sewers through which the substances flowed, and identify the waters to which those storm drains or sewers subsequently drain. State the actual or estimated quantity of the substance(s) that entered the storm drain or sewer.

10. Identify whether each water identified in response to Questions 8 and 9 was, at the time of the spill, a "navigable water" as defined in *Enclosure 1*, a tributary of a navigable water; and/or physically connected to a navigable water. Identify all such navigable waters by name and identify the type of body of water (e.g. river, stream, lake, creek, or other type of body of water).
11. If no navigable waters are identified in response to Questions 8-10, identify whether the water system at any time connects with or flows into any hydrological system (such as a creek system). If so, identify the flow, extent, and duration of the connection to that system.
12. State the flow in cubic feet per second and the dimensions of each water body described in response to Questions 8 and 9. If there is no gauge station in the vicinity, please estimate the flow and provide the basis for that estimate.
13. Provide a description and the location of any adjoining shoreline upon which that substance may have reached. In addition, state the quantity of the substance that reached the adjoining shoreline.
14. For all discharges of oil to navigable waters, adjoining shorelines to navigable waters, or to any other water/shoreline, please indicate the following:
 - a. Did you observe from the oil a film, sheen, discoloration or iridescent appearance on the surface or shoreline of any water? If yes, please describe your observations;
 - b. Did, to your knowledge, any other person observe from the oil a film, sheen, discoloration or iridescent appearance on the surface or shoreline of any water? If yes, please identify all such persons and describe those observations;
 - c. Did you observe any oil sludge or oil emulsion beneath the surface or on the adjoining shorelines of any water? If yes, please describe your observations;
 - d. Did, to your knowledge, any other person observe any oil sludge or oil emulsion to be deposited beneath the surface or on the adjoining shorelines of any water? If yes, please identify all such persons and describe those observations.
15. Describe any damage to animal life or vegetation that you observed or otherwise have knowledge of.
16. List the name, address, telephone number, and affiliation of any and all persons who made any observations in response to Questions 14 and 15.
17. Identify the effect of the spill(s) on any water supply and give details if available (e.g., shutdown of public or private water supply). Provide the names and addresses of all persons that have been provided with an alternative water supply (e.g., bottled water) due to the spill or because of the threatened migration of contamination.
18. Does the facility have a National Pollutant Discharge Elimination System (NPDES) Permit or permit application? If yes, provide the permit number or, if no permit number has been issued at the time, the date upon which the application was filed.

19. If the substance(s) was discharged from an outfall, state whether the outfall was covered by an NPDES permit issued pursuant to Section 402 of the Act.
20. Identify all NPDES or state wastewater discharge permit conditions and/or water quality standards that may have been violated by the spill.
21. Provide a complete description of the cause or causes of the discharge (e.g., pump failure, by-pass of treatment system), as well as any other relevant circumstances. If the discharge was caused by the actions of a third party (for instance, as the result of an accident or vandalism), describe in detail the measures that were in place to prevent such actions. For vandalism, identify any enforcement agencies to which the owner or operator reported the vandalism.
22. Describe all steps taken to contain and clean up the spill(s) and to mitigate any environmental damage and/or threat to human health.
23. Describe any actions taken or planned to prevent the recurrence of incidents such as the release(s) identified above.
24. List the names, addresses, telephone numbers, and affiliations (e.g., name of governmental agency, contractor, or other entity) of all persons who were on the scene during the incident and/or during cleanup operations, as well as any other persons not present but otherwise believed to have knowledge of the facts surrounding the incident or incidents. For each person identified in response to this question, provide the time period during which they were present at the facility.
25. Provide the date on which operations began at the Facility
26. Provide the name(s) and address(es) of the owner(s) of the Facility.
27. Provide the name and address of the operator(s) of the Facility and describe the relationship between the owner(s) and operator(s) (i.e., employee, subcontractor, lessee, etc.). Identify any persons who concurrently with you exercised actual control or who held significant authority to control activities at the Facility at any time.
28. For production facilities, identify all prior owners and operators of the production facilities.
29. Identify any other leaks, spills, or releases of oil and/or hazardous substances into the environment that have occurred from the Facility within the last three years. For each such release, provide the following:
 - a. date;
 - b. duration of the release;
 - c. substance(s) released;
 - d. the approximate quantity of the substance(s) released;
 - e. the cause of the release;
 - f. the location of the release;

- g. any and all activities undertaken in response to each such release or threatened release, including the notification of any agencies or governmental units about the release;
 - h. The result of any and all investigations of the circumstances, nature, extent or location of the release or threatened release, including the results of any soil and water (ground and surface) testing undertaken;
 - i. Whether any persons were provided with an alternative water supply; and
 - j. All persons with information related to these releases.
30. Describe the storage units at the Facility (*e.g.*, above ground tanks or underground tanks) and provide the types of substance(s) stored and the total storage capacity of each storage unit by name and CAS number.
31. Does the owner/operator of the Facility have in place a Spill Prevention, Control and Countermeasures ("SPCC") plan pursuant to 40 C.F.R. Part 112?
32. Provide a description of all procedures used to prevent and/or contain spills of substances from the Facility. This description should indicate the tanks, tank cars, tank trucks, or other equipment that are protected by dikes, the amount of material that can be contained by each dike, and the number of tanks, tank cars, tank trucks, and other equipment protected by each dike.
33. List any other information you wish to bring to the attention of the federal government at this time related to this matter.

Certify the information provided in response to the above questions in the following manner:

I hereby certify the above to be true and accurate to the best of my knowledge.

Signature: _____

Name (Please print or type): _____

Title: _____

Telephone Number: _____

Your response should be mailed within **thirty (30) days** of your receipt of this letter to:

U.S. ENVIRONMENTAL PROTECTION AGENCY

REGION III

ATTN: PAULA CURTIN (MAILCODE 3HS61)

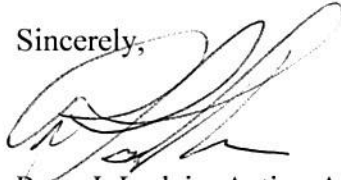
1060 CHAPLINE STREET

WHEELING, WV 26003

This request for information is not subject to review by the Office of Management and Budget pursuant to the Paperwork Reduction Act, 44 U.S.C. §§ 3501-3520.

If you have any questions on this matter, please call Paula Curtin at (304) 234-0256.

Sincerely,

A handwritten signature in black ink, appearing to read 'P. Ludzia', with a large, stylized flourish at the end.

Peter J. Ludzia, Acting Associate Director
Office of Enforcement
Hazardous Site Cleanup Division

cc: Paula Curtin (3HS61)



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION III
1650 Arch Street
Philadelphia, Pennsylvania 19103-2029

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

General Manager
Insurance Auto Auctions, Incorporated
1 Auction Drive
York Springs, Pennsylvania 17372

JAN 30 2014

Re: November 4, 2013 – 1 Auction Dr., York Springs, Adams County, PA

Dear Sir or Madam:

This office has received information that you¹ discharged oil and/or hazardous substances in quantities that may be harmful in violation of Section 311(b)(3) of the Federal Water Pollution Control Act, 33 U.S.C. § 1321(b)(3) ("the Act") from a facility located at or near 1 Auction Dr., York Springs, PA ("Facility," as further defined in *Enclosure 1*). Accordingly, the U.S. Environmental Protection Agency (EPA) would like to obtain additional information regarding the alleged incident or incidents and about efforts you have undertaken at the Facility to inhibit spills of oil and/or hazardous substances including whether you/your facility is in compliance with the Spill Prevention, Control and Countermeasures (SPCC) Regulations found at Title 40 C.F.R. Part 112.

Pursuant to Section 308(a) of the Act, 33 U.S.C. § 1318(a), you are hereby required to submit to EPA the information requested in this letter. If you fail to properly respond to this request, you may be subject to penalties. Pursuant to Section 309(g) of the Act, 33 U.S.C. § 1319(g), any person who violates Section 308 of the Act is subject to administrative penalties. Pursuant to Section 309(d) of the Act, 33 U.S.C. § 1319(d), any person who violates Section 308 of the Act is subject to a civil penalty of up to \$32,500 per day of violation. You also may be subject to criminal penalties pursuant to Section 309(c) of the Act, 33 U.S.C. § 1319(c), for negligently or knowingly providing false information in response to this request. In addition, providing false, fictitious, or fraudulent statements or representations may subject you to criminal penalties under 18 U.S.C. § 1001. The information you provide may be used by EPA in administrative, civil or criminal proceedings.

You are entitled to assert a claim of business confidentiality covering any part or all of the information, in a manner described in 40 C.F.R. § 2.203(b). Information subject to a claim of business confidentiality will be made available to the public only in accordance with 40 C.F.R. Part 2, Subpart B. Unless a claim of business confidentiality is asserted at the time the requested information is submitted, EPA may make this information available to the public without further

¹For purposes of this letter, the term "you" shall refer to an individual, a company, a partnership, a sole proprietorship, or a corporation, whichever is applicable.

notice to you.

INFORMATION REQUIRED

1. Identify all substances released from the Facility in connection with the above referenced discharge, specifically identify:
 - a. The name and Chemical Abstract Services ("CAS") Number for each substance discharged;
 - b. For oils, identify the type and grade;
 - c. Provide the quantity, concentration of each substance discharged and the method by which the concentration was measured or estimated. For mixtures, provide the name, quantity, and concentration of each constituent of that mixture;
 - d. Provide the solubility and specific gravity of each substance discharged.
2. Describe the physical source (including, but not limited to vehicle, outfall, tank, container, pipe, ditch, conduit, or equipment) at the Facility from which the oil and/or hazardous substance or substances (the term "substance" as used here includes both oils and hazardous substances) initially was discharged on or around the above referenced date. If the substance was discharged from more than one source, please identify each specific source.
3. Provide the total quantity of substance(s) released from the Facility in gallons for oils and in pounds for hazardous substances.
4. List the location of the discharge, including the closest street address, the city, county, state, zip code, and provide the Global Positioning System ("GPS") coordinates.
5. List the starting time, date, and duration of the discharge and the time and date when the discharge entered a waterway.
6. List the time and date of the discovery of the discharge and the person(s) who made the discovery.
7. List the federal and state agencies, if any, to which the owner and/or operator reported the discharge(s), the dates and times on which the reports were made, and the name(s) and title(s) of the person(s) who made the reports.
8. Identify the first body of water that the substance reached. Identify the actual or estimated quantity of the substance(s) that entered that water body. Describe the location of any other water bodies that the substance(s) subsequently entered, including the actual or approximate distance from the Facility. In addition, state the actual or estimated quantity of the substance(s) that entered those additional water bodies.
9. Identify any storm drains or sewers through which the substances flowed, and identify the waters to which those storm drains or sewers subsequently drain. State the actual or estimated quantity of the substance(s) that entered the storm drain or sewer.

10. Identify whether each water identified in response to Questions 8 and 9 was, at the time of the spill, a "navigable water" as defined in *Enclosure 1*, a tributary of a navigable water; and/or physically connected to a navigable water. Identify all such navigable waters by name and identify the type of body of water (e.g. river, stream, lake, creek, or other type of body of water).
11. If no navigable waters are identified in response to Questions 8-10, identify whether the water system at any time connects with or flows into any hydrological system (such as a creek system). If so, identify the flow, extent, and duration of the connection to that system.
12. State the flow in cubic feet per second and the dimensions of each water body described in response to Questions 8 and 9. If there is no gauge station in the vicinity, please estimate the flow and provide the basis for that estimate.
13. Provide a description and the location of any adjoining shoreline upon which that substance may have reached. In addition, state the quantity of the substance that reached the adjoining shoreline.
14. For all discharges of oil to navigable waters, adjoining shorelines to navigable waters, or to any other water/shoreline, please indicate the following:
 - a. Did you observe from the oil a film, sheen, discoloration or iridescent appearance on the surface or shoreline of any water? If yes, please describe your observations;
 - b. Did, to your knowledge, any other person observe from the oil a film, sheen, discoloration or iridescent appearance on the surface or shoreline of any water? If yes, please identify all such persons and describe those observations;
 - c. Did you observe any oil sludge or oil emulsion beneath the surface or on the adjoining shorelines of any water? If yes, please describe your observations;
 - d. Did, to your knowledge, any other person observe any oil sludge or oil emulsion to be deposited beneath the surface or on the adjoining shorelines of any water? If yes, please identify all such persons and describe those observations.
15. Describe any damage to animal life or vegetation that you observed or otherwise have knowledge of.
16. List the name, address, telephone number, and affiliation of any and all persons who made any observations in response to Questions 14 and 15.
17. Identify the effect of the spill(s) on any water supply and give details if available (e.g., shutdown of public or private water supply). Provide the names and addresses of all persons that have been provided with an alternative water supply (e.g., bottled water) due to the spill or because of the threatened migration of contamination.
18. Does the facility have a National Pollutant Discharge Elimination System (NPDES) Permit or permit application? If yes, provide the permit number or, if no permit number has been issued at the time, the date upon which the application was filed.

19. If the substance(s) was discharged from an outfall, state whether the outfall was covered by an NPDES permit issued pursuant to Section 402 of the Act.
20. Identify all NPDES or state wastewater discharge permit conditions and/or water quality standards that may have been violated by the spill.
21. Provide a complete description of the cause or causes of the discharge (e.g., pump failure, by-pass of treatment system), as well as any other relevant circumstances. If the discharge was caused by the actions of a third party (for instance, as the result of an accident or vandalism), describe in detail the measures that were in place to prevent such actions. For vandalism, identify any enforcement agencies to which the owner or operator reported the vandalism.
22. Describe all steps taken to contain and clean up the spill(s) and to mitigate any environmental damage and/or threat to human health.
23. Describe any actions taken or planned to prevent the recurrence of incidents such as the release(s) identified above.
24. List the names, addresses, telephone numbers, and affiliations (e.g., name of governmental agency, contractor, or other entity) of all persons who were on the scene during the incident and/or during cleanup operations, as well as any other persons not present but otherwise believed to have knowledge of the facts surrounding the incident or incidents. For each person identified in response to this question, provide the time period during which they were present at the facility.
25. Provide the date on which operations began at the Facility
26. Provide the name(s) and address(es) of the owner(s) of the Facility.
27. Provide the name and address of the operator(s) of the Facility and describe the relationship between the owner(s) and operator(s) (i.e., employee, subcontractor, lessee, etc.). Identify any persons who concurrently with you exercised actual control or who held significant authority to control activities at the Facility at any time.
28. For production facilities, identify all prior owners and operators of the production facilities.
29. Identify any other leaks, spills, or releases of oil and/or hazardous substances into the environment that have occurred from the Facility within the last three years. For each such release, provide the following:
 - a. date;
 - b. duration of the release;
 - c. substance(s) released;
 - d. the approximate quantity of the substance(s) released;
 - e. the cause of the release;
 - f. the location of the release;

- g. any and all activities undertaken in response to each such release or threatened release, including the notification of any agencies or governmental units about the release;
 - h. The result of any and all investigations of the circumstances, nature, extent or location of the release or threatened release, including the results of any soil and water (ground and surface) testing undertaken;
 - i. Whether any persons were provided with an alternative water supply; and
 - j. All persons with information related to these releases.
30. Describe the storage units at the Facility (*e.g.*, above ground tanks or underground tanks) and provide the types of substance(s) stored and the total storage capacity of each storage unit by name and CAS number.
31. Does the owner/operator of the Facility have in place a Spill Prevention, Control and Countermeasures ("SPCC") plan pursuant to 40 C.F.R. Part 112?
32. Provide a description of all procedures used to prevent and/or contain spills of substances from the Facility. This description should indicate the tanks, tank cars, tank trucks, or other equipment that are protected by dikes, the amount of material that can be contained by each dike, and the number of tanks, tank cars, tank trucks, and other equipment protected by each dike.
33. List any other information you wish to bring to the attention of the federal government at this time related to this matter.

Certify the information provided in response to the above questions in the following manner:

I hereby certify the above to be true and accurate to the best of my knowledge.

Signature: _____
 Name (Please print or type): _____
 Title: _____
 Telephone Number: _____

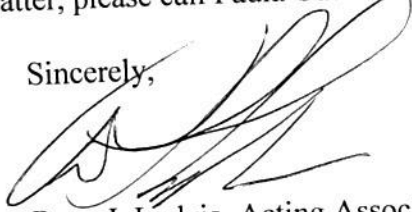
Your response should be mailed within **thirty (30) days** of your receipt of this letter to:

U.S. ENVIRONMENTAL PROTECTION AGENCY
 REGION III
 ATTN: PAULA CURTIN (MAILCODE 3HS61)
 1060 CHAPLINE STREET
 WHEELING, WV 26003

This request for information is not subject to review by the Office of Management and Budget pursuant to the Paperwork Reduction Act, 44 U.S.C. §§ 3501-3520.

If you have any questions on this matter, please call Paula Curtin at (304) 234-0256.

Sincerely,

A handwritten signature in black ink, appearing to read 'P. Ludzia', with a large, stylized flourish extending from the end.

Peter J. Ludzia, Acting Associate Director
Office of Enforcement
Hazardous Site Cleanup Division

cc: Paula Curtin (3HS61)



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION III
1650 Arch Street
Philadelphia, Pennsylvania 19103-2029

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Mr. Ondrusek
HG Energy
5260 DuPont Road
Parkersburg, West Virginia 26101

FEB - 4 2014

Re: October 25, 2013 – State Route 50 and Marshville Rd., Salem, Harrison County, WV

Dear Mr. Ondrusek:

This office has received information that you¹ discharged oil and/or hazardous substances in quantities that may be harmful in violation of Section 311(b)(3) of the Federal Water Pollution Control Act, 33 U.S.C. § 1321(b)(3) ("the Act") from a facility located at or near State Rt. 50 and Marshville Rd., Salem, WV ("Facility," as further defined in *Enclosure 1*). Accordingly, the U.S. Environmental Protection Agency (EPA) would like to obtain additional information regarding the alleged incident or incidents and about efforts you have undertaken at the Facility to inhibit spills of oil and/or hazardous substances including whether you/your facility is in compliance with the Spill Prevention, Control and Countermeasures (SPCC) Regulations found at Title 40 C.F.R. Part 112.

Pursuant to Section 308(a) of the Act, 33 U.S.C. § 1318(a), you are hereby required to submit to EPA the information requested in this letter. If you fail to properly respond to this request, you may be subject to penalties. Pursuant to Section 309(g) of the Act, 33 U.S.C. § 1319(g), any person who violates Section 308 of the Act is subject to administrative penalties. Pursuant to Section 309(d) of the Act, 33 U.S.C. § 1319(d), any person who violates Section 308 of the Act is subject to a civil penalty of up to \$32,500 per day of violation. You also may be subject to criminal penalties pursuant to Section 309(c) of the Act, 33 U.S.C. § 1319(c), for negligently or knowingly providing false information in response to this request. In addition, providing false, fictitious, or fraudulent statements or representations may subject you to criminal penalties under 18 U.S.C. § 1001. The information you provide may be used by EPA in administrative, civil or criminal proceedings.

You are entitled to assert a claim of business confidentiality covering any part or all of the information, in a manner described in 40 C.F.R. § 2.203(b). Information subject to a claim of business confidentiality will be made available to the public only in accordance with 40 C.F.R. Part 2, Subpart B. Unless a claim of business confidentiality is asserted at the time the requested information is submitted, EPA may make this information available to the public without further

¹For purposes of this letter, the term "you" shall refer to an individual, a company, a partnership, a sole proprietorship, or a corporation, whichever is applicable.

notice to you.

INFORMATION REQUIRED

1. Identify all substances released from the Facility in connection with the above referenced discharge, specifically identify:
 - a. The name and Chemical Abstract Services ("CAS") Number for each substance discharged;
 - b. For oils, identify the type and grade;
 - c. Provide the quantity, concentration of each substance discharged and the method by which the concentration was measured or estimated. For mixtures, provide the name, quantity, and concentration of each constituent of that mixture;
 - d. Provide the solubility and specific gravity of each substance discharged.
2. Describe the physical source (including, but not limited to vehicle, outfall, tank, container, pipe, ditch, conduit, or equipment) at the Facility from which the oil and/or hazardous substance or substances (the term "substance" as used here includes both oils and hazardous substances) initially was discharged on or around the above referenced date. If the substance was discharged from more than one source, please identify each specific source.
3. Provide the total quantity of substance(s) released from the Facility in gallons for oils and in pounds for hazardous substances.
4. List the location of the discharge, including the closest street address, the city, county, state, zip code, and provide the Global Positioning System ("GPS") coordinates.
5. List the starting time, date, and duration of the discharge and the time and date when the discharge entered a waterway.
6. List the time and date of the discovery of the discharge and the person(s) who made the discovery.
7. List the federal and state agencies, if any, to which the owner and/or operator reported the discharge(s), the dates and times on which the reports were made, and the name(s) and title(s) of the person(s) who made the reports.
8. Identify the first body of water that the substance reached. Identify the actual or estimated quantity of the substance(s) that entered that water body. Describe the location of any other water bodies that the substance(s) subsequently entered, including the actual or approximate distance from the Facility. In addition, state the actual or estimated quantity of the substance(s) that entered those additional water bodies.
9. Identify any storm drains or sewers through which the substances flowed, and identify the waters to which those storm drains or sewers subsequently drain. State the actual or estimated quantity of the substance(s) that entered the storm drain or sewer.

10. Identify whether each water identified in response to Questions 8 and 9 was, at the time of the spill, a "navigable water" as defined in *Enclosure 1*, a tributary of a navigable water; and/or physically connected to a navigable water. Identify all such navigable waters by name and identify the type of body of water (e.g. river, stream, lake, creek, or other type of body of water).
11. If no navigable waters are identified in response to Questions 8-10, identify whether the water system at any time connects with or flows into any hydrological system (such as a creek system). If so, identify the flow, extent, and duration of the connection to that system.
12. State the flow in cubic feet per second and the dimensions of each water body described in response to Questions 8 and 9. If there is no gauge station in the vicinity, please estimate the flow and provide the basis for that estimate.
13. Provide a description and the location of any adjoining shoreline upon which that substance may have reached. In addition, state the quantity of the substance that reached the adjoining shoreline.
14. For all discharges of oil to navigable waters, adjoining shorelines to navigable waters, or to any other water/shoreline, please indicate the following:
 - a. Did you observe from the oil a film, sheen, discoloration or iridescent appearance on the surface or shoreline of any water? If yes, please describe your observations;
 - b. Did, to your knowledge, any other person observe from the oil a film, sheen, discoloration or iridescent appearance on the surface or shoreline of any water? If yes, please identify all such persons and describe those observations;
 - c. Did you observe any oil sludge or oil emulsion beneath the surface or on the adjoining shorelines of any water? If yes, please describe your observations;
 - d. Did, to your knowledge, any other person observe any oil sludge or oil emulsion to be deposited beneath the surface or on the adjoining shorelines of any water? If yes, please identify all such persons and describe those observations.
15. Describe any damage to animal life or vegetation that you observed or otherwise have knowledge of.
16. List the name, address, telephone number, and affiliation of any and all persons who made any observations in response to Questions 14 and 15.
17. Identify the effect of the spill(s) on any water supply and give details if available (e.g., shutdown of public or private water supply). Provide the names and addresses of all persons that have been provided with an alternative water supply (e.g., bottled water) due to the spill or because of the threatened migration of contamination.
18. Does the facility have a National Pollutant Discharge Elimination System (NPDES) Permit or permit application? If yes, provide the permit number or, if no permit number has been issued at the time, the date upon which the application was filed.

19. If the substance(s) was discharged from an outfall, state whether the outfall was covered by an NPDES permit issued pursuant to Section 402 of the Act.
20. Identify all NPDES or state wastewater discharge permit conditions and/or water quality standards that may have been violated by the spill.
21. Provide a complete description of the cause or causes of the discharge (e.g., pump failure, by-pass of treatment system), as well as any other relevant circumstances. If the discharge was caused by the actions of a third party (for instance, as the result of an accident or vandalism), describe in detail the measures that were in place to prevent such actions. For vandalism, identify any enforcement agencies to which the owner or operator reported the vandalism.
22. Describe all steps taken to contain and clean up the spill(s) and to mitigate any environmental damage and/or threat to human health.
23. Describe any actions taken or planned to prevent the recurrence of incidents such as the release(s) identified above.
24. List the names, addresses, telephone numbers, and affiliations (e.g., name of governmental agency, contractor, or other entity) of all persons who were on the scene during the incident and/or during cleanup operations, as well as any other persons not present but otherwise believed to have knowledge of the facts surrounding the incident or incidents. For each person identified in response to this question, provide the time period during which they were present at the facility.
25. Provide the date on which operations began at the Facility
26. Provide the name(s) and address(es) of the owner(s) of the Facility.
27. Provide the name and address of the operator(s) of the Facility and describe the relationship between the owner(s) and operator(s) (i.e., employee, subcontractor, lessee, etc.). Identify any persons who concurrently with you exercised actual control or who held significant authority to control activities at the Facility at any time.
28. For production facilities, identify all prior owners and operators of the production facilities.
29. Identify any other leaks, spills, or releases of oil and/or hazardous substances into the environment that have occurred from the Facility within the last three years. For each such release, provide the following:
 - a. date;
 - b. duration of the release;
 - c. substance(s) released;
 - d. the approximate quantity of the substance(s) released;
 - e. the cause of the release;
 - f. the location of the release;

- g. any and all activities undertaken in response to each such release or threatened release, including the notification of any agencies or governmental units about the release;
 - h. The result of any and all investigations of the circumstances, nature, extent or location of the release or threatened release, including the results of any soil and water (ground and surface) testing undertaken;
 - i. Whether any persons were provided with an alternative water supply; and
 - j. All persons with information related to these releases.
30. Describe the storage units at the Facility (e.g., above ground tanks or underground tanks) and provide the types of substance(s) stored and the total storage capacity of each storage unit by name and CAS number.
31. Does the owner/operator of the Facility have in place a Spill Prevention, Control and Countermeasures ("SPCC") plan pursuant to 40 C.F.R. Part 112?
32. Provide a description of all procedures used to prevent and/or contain spills of substances from the Facility. This description should indicate the tanks, tank cars, tank trucks, or other equipment that are protected by dikes, the amount of material that can be contained by each dike, and the number of tanks, tank cars, tank trucks, and other equipment protected by each dike.
33. List any other information you wish to bring to the attention of the federal government at this time related to this matter.

Certify the information provided in response to the above questions in the following manner:

I hereby certify the above to be true and accurate to the best of my knowledge.

Signature: _____
Name (Please print or type): _____
Title: _____
Telephone Number: _____

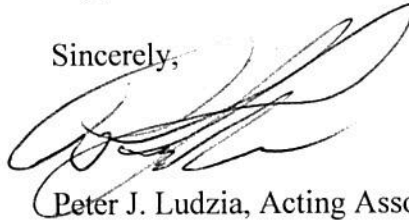
Your response should be mailed within **thirty (30) days** of your receipt of this letter to:

U.S. ENVIRONMENTAL PROTECTION AGENCY
REGION III
ATTN: PAULA CURTIN (MAILCODE 3HS61)
1060 CHAPLINE STREET
WHEELING, WV 26003

This request for information is not subject to review by the Office of Management and Budget pursuant to the Paperwork Reduction Act, 44 U.S.C. §§ 3501-3520.

If you have any questions on this matter, please call Paula Curtin at (304) 234-0256.

Sincerely,

A handwritten signature in black ink, appearing to read 'Peter J. Ludzia', written over a horizontal line.

Peter J. Ludzia, Acting Associate Director
Office of Enforcement
Hazardous Site Cleanup Division

cc: Paula Curtin (3HS61)



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION III
1650 Arch Street
Philadelphia, Pennsylvania 19103-2029

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Mr. Joe Toporcer, Sr.
Agland Co-op Incorporated
Post Office Box 469, 364 Lisbon Street
Canfield, Ohio 44406-1422

FEB - 4 2014

Re: November 13, 2013- Beaty Pad, Dent Run Rd., Mannington, Marion County, WV

Dear Mr. Toporcer:

This office has received information that you¹ discharged oil and/or hazardous substances in quantities that may be harmful in violation of Section 311(b)(3) of the Federal Water Pollution Control Act, 33 U.S.C. § 1321(b)(3) ("the Act") from a facility located at or near Beaty Pad, Dent Run Rd., Mannington, WV ("Facility," as further defined in *Enclosure 1*). Accordingly, the U.S. Environmental Protection Agency (EPA) would like to obtain additional information regarding the alleged incident or incidents and about efforts you have undertaken at the Facility to inhibit spills of oil and/or hazardous substances including whether you/your facility is in compliance with the Spill Prevention, Control and Countermeasures (SPCC) Regulations found at Title 40 C.F.R. Part 112.

Pursuant to Section 308(a) of the Act, 33 U.S.C. § 1318(a), you are hereby required to submit to EPA the information requested in this letter. If you fail to properly respond to this request, you may be subject to penalties. Pursuant to Section 309(g) of the Act, 33 U.S.C. § 1319(g), any person who violates Section 308 of the Act is subject to administrative penalties. Pursuant to Section 309(d) of the Act, 33 U.S.C. § 1319(d), any person who violates Section 308 of the Act is subject to a civil penalty of up to \$32,500 per day of violation. You also may be subject to criminal penalties pursuant to Section 309(c) of the Act, 33 U.S.C. § 1319(c), for negligently or knowingly providing false information in response to this request. In addition, providing false, fictitious, or fraudulent statements or representations may subject you to criminal penalties under 18 U.S.C. § 1001. The information you provide may be used by EPA in administrative, civil or criminal proceedings.

You are entitled to assert a claim of business confidentiality covering any part or all of the information, in a manner described in 40 C.F.R. § 2.203(b). Information subject to a claim of business confidentiality will be made available to the public only in accordance with 40 C.F.R. Part 2, Subpart B. Unless a claim of business confidentiality is asserted at the time the requested information is submitted, EPA may make this information available to the public without further

¹For purposes of this letter, the term "you" shall refer to an individual, a company, a partnership, a sole proprietorship, or a corporation, whichever is applicable.

notice to you.

INFORMATION REQUIRED

1. Identify all substances released from the Facility in connection with the above referenced discharge, specifically identify:
 - a. The name and Chemical Abstract Services ("CAS") Number for each substance discharged;
 - b. For oils, identify the type and grade;
 - c. Provide the quantity, concentration of each substance discharged and the method by which the concentration was measured or estimated. For mixtures, provide the name, quantity, and concentration of each constituent of that mixture;
 - d. Provide the solubility and specific gravity of each substance discharged.
2. Describe the physical source (including, but not limited to vehicle, outfall, tank, container, pipe, ditch, conduit, or equipment) at the Facility from which the oil and/or hazardous substance or substances (the term "substance" as used here includes both oils and hazardous substances) initially was discharged on or around the above referenced date. If the substance was discharged from more than one source, please identify each specific source.
3. Provide the total quantity of substance(s) released from the Facility in gallons for oils and in pounds for hazardous substances.
4. List the location of the discharge, including the closest street address, the city, county, state, zip code, and provide the Global Positioning System ("GPS") coordinates.
5. List the starting time, date, and duration of the discharge and the time and date when the discharge entered a waterway.
6. List the time and date of the discovery of the discharge and the person(s) who made the discovery.
7. List the federal and state agencies, if any, to which the owner and/or operator reported the discharge(s), the dates and times on which the reports were made, and the name(s) and title(s) of the person(s) who made the reports.
8. Identify the first body of water that the substance reached. Identify the actual or estimated quantity of the substance(s) that entered that water body. Describe the location of any other water bodies that the substance(s) subsequently entered, including the actual or approximate distance from the Facility. In addition, state the actual or estimated quantity of the substance(s) that entered those additional water bodies.
9. Identify any storm drains or sewers through which the substances flowed, and identify the waters to which those storm drains or sewers subsequently drain. State the actual or estimated quantity of the substance(s) that entered the storm drain or sewer.

10. Identify whether each water identified in response to Questions 8 and 9 was, at the time of the spill, a "navigable water" as defined in *Enclosure 1*, a tributary of a navigable water; and/or physically connected to a navigable water. Identify all such navigable waters by name and identify the type of body of water (e.g. river, stream, lake, creek, or other type of body of water).
11. If no navigable waters are identified in response to Questions 8-10, identify whether the water system at any time connects with or flows into any hydrological system (such as a creek system). If so, identify the flow, extent, and duration of the connection to that system.
12. State the flow in cubic feet per second and the dimensions of each water body described in response to Questions 8 and 9. If there is no gauge station in the vicinity, please estimate the flow and provide the basis for that estimate.
13. Provide a description and the location of any adjoining shoreline upon which that substance may have reached. In addition, state the quantity of the substance that reached the adjoining shoreline.
14. For all discharges of oil to navigable waters, adjoining shorelines to navigable waters, or to any other water/shoreline, please indicate the following:
 - a. Did you observe from the oil a film, sheen, discoloration or iridescent appearance on the surface or shoreline of any water? If yes, please describe your observations;
 - b. Did, to your knowledge, any other person observe from the oil a film, sheen, discoloration or iridescent appearance on the surface or shoreline of any water? If yes, please identify all such persons and describe those observations;
 - c. Did you observe any oil sludge or oil emulsion beneath the surface or on the adjoining shorelines of any water? If yes, please describe your observations;
 - d. Did, to your knowledge, any other person observe any oil sludge or oil emulsion to be deposited beneath the surface or on the adjoining shorelines of any water? If yes, please identify all such persons and describe those observations.
15. Describe any damage to animal life or vegetation that you observed or otherwise have knowledge of.
16. List the name, address, telephone number, and affiliation of any and all persons who made any observations in response to Questions 14 and 15.
17. Identify the effect of the spill(s) on any water supply and give details if available (e.g., shutdown of public or private water supply). Provide the names and addresses of all persons that have been provided with an alternative water supply (e.g., bottled water) due to the spill or because of the threatened migration of contamination.
18. Does the facility have a National Pollutant Discharge Elimination System (NPDES) Permit or permit application? If yes, provide the permit number or, if no permit number has been issued at the time, the date upon which the application was filed.

19. If the substance(s) was discharged from an outfall, state whether the outfall was covered by an NPDES permit issued pursuant to Section 402 of the Act.
20. Identify all NPDES or state wastewater discharge permit conditions and/or water quality standards that may have been violated by the spill.
21. Provide a complete description of the cause or causes of the discharge (e.g., pump failure, by-pass of treatment system), as well as any other relevant circumstances. If the discharge was caused by the actions of a third party (for instance, as the result of an accident or vandalism), describe in detail the measures that were in place to prevent such actions. For vandalism, identify any enforcement agencies to which the owner or operator reported the vandalism.
22. Describe all steps taken to contain and clean up the spill(s) and to mitigate any environmental damage and/or threat to human health.
23. Describe any actions taken or planned to prevent the recurrence of incidents such as the release(s) identified above.
24. List the names, addresses, telephone numbers, and affiliations (e.g., name of governmental agency, contractor, or other entity) of all persons who were on the scene during the incident and/or during cleanup operations, as well as any other persons not present but otherwise believed to have knowledge of the facts surrounding the incident or incidents. For each person identified in response to this question, provide the time period during which they were present at the facility.
25. Provide the date on which operations began at the Facility
26. Provide the name(s) and address(es) of the owner(s) of the Facility.
27. Provide the name and address of the operator(s) of the Facility and describe the relationship between the owner(s) and operator(s) (i.e., employee, subcontractor, lessee, etc.). Identify any persons who concurrently with you exercised actual control or who held significant authority to control activities at the Facility at any time.
28. For production facilities, identify all prior owners and operators of the production facilities.
29. Identify any other leaks, spills, or releases of oil and/or hazardous substances into the environment that have occurred from the Facility within the last three years. For each such release, provide the following:
 - a. date;
 - b. duration of the release;
 - c. substance(s) released;
 - d. the approximate quantity of the substance(s) released;
 - e. the cause of the release;
 - f. the location of the release;

- g. any and all activities undertaken in response to each such release or threatened release, including the notification of any agencies or governmental units about the release;
 - h. The result of any and all investigations of the circumstances, nature, extent or location of the release or threatened release, including the results of any soil and water (ground and surface) testing undertaken;
 - i. Whether any persons were provided with an alternative water supply; and
 - j. All persons with information related to these releases.
30. Describe the storage units at the Facility (*e.g.*, above ground tanks or underground tanks) and provide the types of substance(s) stored and the total storage capacity of each storage unit by name and CAS number.
31. Does the owner/operator of the Facility have in place a Spill Prevention, Control and Countermeasures ("SPCC") plan pursuant to 40 C.F.R. Part 112?
32. Provide a description of all procedures used to prevent and/or contain spills of substances from the Facility. This description should indicate the tanks, tank cars, tank trucks, or other equipment that are protected by dikes, the amount of material that can be contained by each dike, and the number of tanks, tank cars, tank trucks, and other equipment protected by each dike.
33. List any other information you wish to bring to the attention of the federal government at this time related to this matter.

Certify the information provided in response to the above questions in the following manner:

I hereby certify the above to be true and accurate to the best of my knowledge.

Signature: _____

Name (Please print or type): _____

Title: _____

Telephone Number: _____

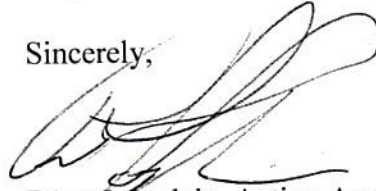
Your response should be mailed within **thirty (30) days** of your receipt of this letter to:

U.S. ENVIRONMENTAL PROTECTION AGENCY
REGION III
ATTN: PAULA CURTIN (MAILCODE 3HS61)
1060 CHAPLINE STREET
WHEELING, WV 26003

This request for information is not subject to review by the Office of Management and Budget pursuant to the Paperwork Reduction Act, 44 U.S.C. §§ 3501-3520.

If you have any questions on this matter, please call Paula Curtin at (304) 234-0256.

Sincerely,

A handwritten signature in black ink, appearing to read 'P. Ludzia', with a large, stylized flourish at the end.

Peter J. Ludzia, Acting Associate Director
Office of Enforcement
Hazardous Site Cleanup Division

cc: Paula Curtin (3HS61)



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION III
1650 Arch Street
Philadelphia, Pennsylvania 19103-2029

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

General Manager
Jay Bee Oil & Gas Incorporated
Route 1 Box 5
Cairo, West Virginia 26337

FEB 11 2014

Re: January 2, 2014 – Lisby Well Site, near Middlebourne, Tyler County, WV

Dear Sir or Madam:

This office has received information that you¹ discharged oil and/or hazardous substances in quantities that may be harmful in violation of Section 311(b)(3) of the Federal Water Pollution Control Act, 33 U.S.C. § 1321(b)(3) ("the Act") from a facility located at or near Lisby Well Site, Middlebourne, WV ("Facility," as further defined in *Enclosure 1*). Accordingly, the U.S. Environmental Protection Agency (EPA) would like to obtain additional information regarding the alleged incident or incidents and about efforts you have undertaken at the Facility to inhibit spills of oil and/or hazardous substances including whether you/your facility is in compliance with the Spill Prevention, Control and Countermeasures (SPCC) Regulations found at Title 40 C.F.R. Part 112.

Pursuant to Section 308(a) of the Act, 33 U.S.C. § 1318(a), you are hereby required to submit to EPA the information requested in this letter. If you fail to properly respond to this request, you may be subject to penalties. Pursuant to Section 309(g) of the Act, 33 U.S.C. § 1319(g), any person who violates Section 308 of the Act is subject to administrative penalties. Pursuant to Section 309(d) of the Act, 33 U.S.C. § 1319(d), any person who violates Section 308 of the Act is subject to a civil penalty of up to \$32,500 per day of violation. You also may be subject to criminal penalties pursuant to Section 309(c) of the Act, 33 U.S.C. § 1319(c), for negligently or knowingly providing false information in response to this request. In addition, providing false, fictitious, or fraudulent statements or representations may subject you to criminal penalties under 18 U.S.C. § 1001. The information you provide may be used by EPA in administrative, civil or criminal proceedings.

You are entitled to assert a claim of business confidentiality covering any part or all of the information, in a manner described in 40 C.F.R. § 2.203(b). Information subject to a claim of business confidentiality will be made available to the public only in accordance with 40 C.F.R. Part 2, Subpart B. Unless a claim of business confidentiality is asserted at the time the requested information is submitted, EPA may make this information available to the public without further

¹For purposes of this letter, the term "you" shall refer to an individual, a company, a partnership, a sole proprietorship, or a corporation, whichever is applicable.

notice to you.

INFORMATION REQUIRED

1. Identify all substances released from the Facility in connection with the above referenced discharge, specifically identify:
 - a. The name and Chemical Abstract Services ("CAS") Number for each substance discharged;
 - b. For oils, identify the type and grade;
 - c. Provide the quantity, concentration of each substance discharged and the method by which the concentration was measured or estimated. For mixtures, provide the name, quantity, and concentration of each constituent of that mixture;
 - d. Provide the solubility and specific gravity of each substance discharged.
2. Describe the physical source (including, but not limited to vehicle, outfall, tank, container, pipe, ditch, conduit, or equipment) at the Facility from which the oil and/or hazardous substance or substances (the term "substance" as used here includes both oils and hazardous substances) initially was discharged on or around the above referenced date. If the substance was discharged from more than one source, please identify each specific source.
3. Provide the total quantity of substance(s) released from the Facility in gallons for oils and in pounds for hazardous substances.
4. List the location of the discharge, including the closest street address, the city, county, state, zip code, and provide the Global Positioning System ("GPS") coordinates.
5. List the starting time, date, and duration of the discharge and the time and date when the discharge entered a waterway.
6. List the time and date of the discovery of the discharge and the person(s) who made the discovery.
7. List the federal and state agencies, if any, to which the owner and/or operator reported the discharge(s), the dates and times on which the reports were made, and the name(s) and title(s) of the person(s) who made the reports.
8. Identify the first body of water that the substance reached. Identify the actual or estimated quantity of the substance(s) that entered that water body. Describe the location of any other water bodies that the substance(s) subsequently entered, including the actual or approximate distance from the Facility. In addition, state the actual or estimated quantity of the substance(s) that entered those additional water bodies.
9. Identify any storm drains or sewers through which the substances flowed, and identify the waters to which those storm drains or sewers subsequently drain. State the actual or estimated quantity of the substance(s) that entered the storm drain or sewer.

10. Identify whether each water identified in response to Questions 8 and 9 was, at the time of the spill, a "navigable water" as defined in *Enclosure 1*, a tributary of a navigable water; and/or physically connected to a navigable water. Identify all such navigable waters by name and identify the type of body of water (e.g. river, stream, lake, creek, or other type of body of water).
11. If no navigable waters are identified in response to Questions 8-10, identify whether the water system at any time connects with or flows into any hydrological system (such as a creek system). If so, identify the flow, extent, and duration of the connection to that system.
12. State the flow in cubic feet per second and the dimensions of each water body described in response to Questions 8 and 9. If there is no gauge station in the vicinity, please estimate the flow and provide the basis for that estimate.
13. Provide a description and the location of any adjoining shoreline upon which that substance may have reached. In addition, state the quantity of the substance that reached the adjoining shoreline.
14. For all discharges of oil to navigable waters, adjoining shorelines to navigable waters, or to any other water/shoreline, please indicate the following:
 - a. Did you observe from the oil a film, sheen, discoloration or iridescent appearance on the surface or shoreline of any water? If yes, please describe your observations;
 - b. Did, to your knowledge, any other person observe from the oil a film, sheen, discoloration or iridescent appearance on the surface or shoreline of any water? If yes, please identify all such persons and describe those observations;
 - c. Did you observe any oil sludge or oil emulsion beneath the surface or on the adjoining shorelines of any water? If yes, please describe your observations;
 - d. Did, to your knowledge, any other person observe any oil sludge or oil emulsion to be deposited beneath the surface or on the adjoining shorelines of any water? If yes, please identify all such persons and describe those observations.
15. Describe any damage to animal life or vegetation that you observed or otherwise have knowledge of.
16. List the name, address, telephone number, and affiliation of any and all persons who made any observations in response to Questions 14 and 15.
17. Identify the effect of the spill(s) on any water supply and give details if available (e.g., shutdown of public or private water supply). Provide the names and addresses of all persons that have been provided with an alternative water supply (e.g., bottled water) due to the spill or because of the threatened migration of contamination.
18. Does the facility have a National Pollutant Discharge Elimination System (NPDES) Permit or permit application? If yes, provide the permit number or, if no permit number has been issued at the time, the date upon which the application was filed.

19. If the substance(s) was discharged from an outfall, state whether the outfall was covered by an NPDES permit issued pursuant to Section 402 of the Act.
20. Identify all NPDES or state wastewater discharge permit conditions and/or water quality standards that may have been violated by the spill.
21. Provide a complete description of the cause or causes of the discharge (e.g., pump failure, by-pass of treatment system), as well as any other relevant circumstances. If the discharge was caused by the actions of a third party (for instance, as the result of an accident or vandalism), describe in detail the measures that were in place to prevent such actions. For vandalism, identify any enforcement agencies to which the owner or operator reported the vandalism.
22. Describe all steps taken to contain and clean up the spill(s) and to mitigate any environmental damage and/or threat to human health.
23. Describe any actions taken or planned to prevent the recurrence of incidents such as the release(s) identified above.
24. List the names, addresses, telephone numbers, and affiliations (e.g., name of governmental agency, contractor, or other entity) of all persons who were on the scene during the incident and/or during cleanup operations, as well as any other persons not present but otherwise believed to have knowledge of the facts surrounding the incident or incidents. For each person identified in response to this question, provide the time period during which they were present at the facility.
25. Provide the date on which operations began at the Facility
26. Provide the name(s) and address(es) of the owner(s) of the Facility.
27. Provide the name and address of the operator(s) of the Facility and describe the relationship between the owner(s) and operator(s) (i.e., employee, subcontractor, lessee, etc.). Identify any persons who concurrently with you exercised actual control or who held significant authority to control activities at the Facility at any time.
28. For production facilities, identify all prior owners and operators of the production facilities.
29. Identify any other leaks, spills, or releases of oil and/or hazardous substances into the environment that have occurred from the Facility within the last three years. For each such release, provide the following:
 - a. date;
 - b. duration of the release;
 - c. substance(s) released;
 - d. the approximate quantity of the substance(s) released;
 - e. the cause of the release;
 - f. the location of the release;

- g. any and all activities undertaken in response to each such release or threatened release, including the notification of any agencies or governmental units about the release;
 - h. The result of any and all investigations of the circumstances, nature, extent or location of the release or threatened release, including the results of any soil and water (ground and surface) testing undertaken;
 - i. Whether any persons were provided with an alternative water supply; and
 - j. All persons with information related to these releases.
30. Describe the storage units at the Facility (*e.g.*, above ground tanks or underground tanks) and provide the types of substance(s) stored and the total storage capacity of each storage unit by name and CAS number.
31. Does the owner/operator of the Facility have in place a Spill Prevention, Control and Countermeasures ("SPCC") plan pursuant to 40 C.F.R. Part 112?
32. Provide a description of all procedures used to prevent and/or contain spills of substances from the Facility. This description should indicate the tanks, tank cars, tank trucks, or other equipment that are protected by dikes, the amount of material that can be contained by each dike, and the number of tanks, tank cars, tank trucks, and other equipment protected by each dike.
33. List any other information you wish to bring to the attention of the federal government at this time related to this matter.

Certify the information provided in response to the above questions in the following manner:

I hereby certify the above to be true and accurate to the best of my knowledge.

Signature: _____
Name (Please print or type): _____
Title: _____
Telephone Number: _____

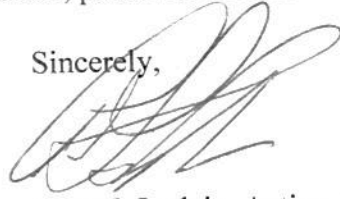
Your response should be mailed within **thirty (30) days** of your receipt of this letter to:

U.S. ENVIRONMENTAL PROTECTION AGENCY
REGION III
ATTN: PAULA CURTIN (MAILCODE 3HS61)
1060 CHAPLINE STREET
WHEELING, WV 26003

This request for information is not subject to review by the Office of Management and Budget pursuant to the Paperwork Reduction Act, 44 U.S.C. §§ 3501-3520.

If you have any questions on this matter, please call Paula Curtin at (304) 234-0256.

Sincerely,

A handwritten signature in black ink, appearing to read 'PJL', is written over the word 'Sincerely,'.

Peter J. Ludzia, Acting Associate Director
Office of Enforcement
Hazardous Site Cleanup Division

cc: Paula Curtin (3HS61)



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION III
1650 Arch Street
Philadelphia, Pennsylvania 19103-2029

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

General Manager
DARCARS Chrysler of Waldorf
11755 Business Park Drive
Waldorf, Maryland 20601-2955

FEB 18 2014

Re: October 25, 2013 – 11755 Business Park Dr. Waldorf, Charles County, MD

Dear Sir or Madam:

This office has received information that you¹ discharged oil and/or hazardous substances in quantities that may be harmful in violation of Section 311(b)(3) of the Federal Water Pollution Control Act, 33 U.S.C. § 1321(b)(3) ("the Act") from a facility located at or near 11755 Business Park Dr., Waldorf, MD ("Facility," as further defined in *Enclosure 1*). Accordingly, the U.S. Environmental Protection Agency (EPA) would like to obtain additional information regarding the alleged incident or incidents and about efforts you have undertaken at the Facility to inhibit spills of oil and/or hazardous substances including whether you/your facility is in compliance with the Spill Prevention, Control and Countermeasures (SPCC) Regulations found at Title 40 C.F.R. Part 112.

Pursuant to Section 308(a) of the Act, 33 U.S.C. § 1318(a), you are hereby required to submit to EPA the information requested in this letter. If you fail to properly respond to this request, you may be subject to penalties. Pursuant to Section 309(g) of the Act, 33 U.S.C. § 1319(g), any person who violates Section 308 of the Act is subject to administrative penalties. Pursuant to Section 309(d) of the Act, 33 U.S.C. § 1319(d), any person who violates Section 308 of the Act is subject to a civil penalty of up to \$32,500 per day of violation. You also may be subject to criminal penalties pursuant to Section 309(c) of the Act, 33 U.S.C. § 1319(c), for negligently or knowingly providing false information in response to this request. In addition, providing false, fictitious, or fraudulent statements or representations may subject you to criminal penalties under 18 U.S.C. § 1001. The information you provide may be used by EPA in administrative, civil or criminal proceedings.

You are entitled to assert a claim of business confidentiality covering any part or all of the information, in a manner described in 40 C.F.R. § 2.203(b). Information subject to a claim of business confidentiality will be made available to the public only in accordance with 40 C.F.R. Part 2, Subpart B. Unless a claim of business confidentiality is asserted at the time the requested information is submitted, EPA may make this information available to the public without further

¹For purposes of this letter, the term "you" shall refer to an individual, a company, a partnership, a sole proprietorship, or a corporation, whichever is applicable.

notice to you.

INFORMATION REQUIRED

1. Identify all substances released from the Facility in connection with the above referenced discharge, specifically identify:
 - a. The name and Chemical Abstract Services ("CAS") Number for each substance discharged;
 - b. For oils, identify the type and grade;
 - c. Provide the quantity, concentration of each substance discharged and the method by which the concentration was measured or estimated. For mixtures, provide the name, quantity, and concentration of each constituent of that mixture;
 - d. Provide the solubility and specific gravity of each substance discharged.
2. Describe the physical source (including, but not limited to vehicle, outfall, tank, container, pipe, ditch, conduit, or equipment) at the Facility from which the oil and/or hazardous substance or substances (the term "substance" as used here includes both oils and hazardous substances) initially was discharged on or around the above referenced date. If the substance was discharged from more than one source, please identify each specific source.
3. Provide the total quantity of substance(s) released from the Facility in gallons for oils and in pounds for hazardous substances.
4. List the location of the discharge, including the closest street address, the city, county, state, zip code, and provide the Global Positioning System ("GPS") coordinates.
5. List the starting time, date, and duration of the discharge and the time and date when the discharge entered a waterway.
6. List the time and date of the discovery of the discharge and the person(s) who made the discovery.
7. List the federal and state agencies, if any, to which the owner and/or operator reported the discharge(s), the dates and times on which the reports were made, and the name(s) and title(s) of the person(s) who made the reports.
8. Identify the first body of water that the substance reached. Identify the actual or estimated quantity of the substance(s) that entered that water body. Describe the location of any other water bodies that the substance(s) subsequently entered, including the actual or approximate distance from the Facility. In addition, state the actual or estimated quantity of the substance(s) that entered those additional water bodies.
9. Identify any storm drains or sewers through which the substances flowed, and identify the waters to which those storm drains or sewers subsequently drain. State the actual or estimated quantity of the substance(s) that entered the storm drain or sewer.

10. Identify whether each water identified in response to Questions 8 and 9 was, at the time of the spill, a "navigable water" as defined in *Enclosure 1*, a tributary of a navigable water; and/or physically connected to a navigable water. Identify all such navigable waters by name and identify the type of body of water (e.g. river, stream, lake, creek, or other type of body of water).
11. If no navigable waters are identified in response to Questions 8-10, identify whether the water system at any time connects with or flows into any hydrological system (such as a creek system). If so, identify the flow, extent, and duration of the connection to that system.
12. State the flow in cubic feet per second and the dimensions of each water body described in response to Questions 8 and 9. If there is no gauge station in the vicinity, please estimate the flow and provide the basis for that estimate.
13. Provide a description and the location of any adjoining shoreline upon which that substance may have reached. In addition, state the quantity of the substance that reached the adjoining shoreline.
14. For all discharges of oil to navigable waters, adjoining shorelines to navigable waters, or to any other water/shoreline, please indicate the following:
 - a. Did you observe from the oil a film, sheen, discoloration or iridescent appearance on the surface or shoreline of any water? If yes, please describe your observations;
 - b. Did, to your knowledge, any other person observe from the oil a film, sheen, discoloration or iridescent appearance on the surface or shoreline of any water? If yes, please identify all such persons and describe those observations;
 - c. Did you observe any oil sludge or oil emulsion beneath the surface or on the adjoining shorelines of any water? If yes, please describe your observations;
 - d. Did, to your knowledge, any other person observe any oil sludge or oil emulsion to be deposited beneath the surface or on the adjoining shorelines of any water? If yes, please identify all such persons and describe those observations.
15. Describe any damage to animal life or vegetation that you observed or otherwise have knowledge of.
16. List the name, address, telephone number, and affiliation of any and all persons who made any observations in response to Questions 14 and 15.
17. Identify the effect of the spill(s) on any water supply and give details if available (e.g., shutdown of public or private water supply). Provide the names and addresses of all persons that have been provided with an alternative water supply (e.g., bottled water) due to the spill or because of the threatened migration of contamination.
18. Does the facility have a National Pollutant Discharge Elimination System (NPDES) Permit or permit application? If yes, provide the permit number or, if no permit number has been issued at the time, the date upon which the application was filed.

19. If the substance(s) was discharged from an outfall, state whether the outfall was covered by an NPDES permit issued pursuant to Section 402 of the Act.
20. Identify all NPDES or state wastewater discharge permit conditions and/or water quality standards that may have been violated by the spill.
21. Provide a complete description of the cause or causes of the discharge (e.g., pump failure, by-pass of treatment system), as well as any other relevant circumstances. If the discharge was caused by the actions of a third party (for instance, as the result of an accident or vandalism), describe in detail the measures that were in place to prevent such actions. For vandalism, identify any enforcement agencies to which the owner or operator reported the vandalism.
22. Describe all steps taken to contain and clean up the spill(s) and to mitigate any environmental damage and/or threat to human health.
23. Describe any actions taken or planned to prevent the recurrence of incidents such as the release(s) identified above.
24. List the names, addresses, telephone numbers, and affiliations (e.g., name of governmental agency, contractor, or other entity) of all persons who were on the scene during the incident and/or during cleanup operations, as well as any other persons not present but otherwise believed to have knowledge of the facts surrounding the incident or incidents. For each person identified in response to this question, provide the time period during which they were present at the facility.
25. Provide the date on which operations began at the Facility
26. Provide the name(s) and address(es) of the owner(s) of the Facility.
27. Provide the name and address of the operator(s) of the Facility and describe the relationship between the owner(s) and operator(s) (i.e., employee, subcontractor, lessee, etc.). Identify any persons who concurrently with you exercised actual control or who held significant authority to control activities at the Facility at any time.
28. For production facilities, identify all prior owners and operators of the production facilities.
29. Identify any other leaks, spills, or releases of oil and/or hazardous substances into the environment that have occurred from the Facility within the last three years. For each such release, provide the following:
 - a. date;
 - b. duration of the release;
 - c. substance(s) released;
 - d. the approximate quantity of the substance(s) released;
 - e. the cause of the release;
 - f. the location of the release;

- g. any and all activities undertaken in response to each such release or threatened release, including the notification of any agencies or governmental units about the release;
 - h. The result of any and all investigations of the circumstances, nature, extent or location of the release or threatened release, including the results of any soil and water (ground and surface) testing undertaken;
 - i. Whether any persons were provided with an alternative water supply; and
 - j. All persons with information related to these releases.
30. Describe the storage units at the Facility (*e.g.*, above ground tanks or underground tanks) and provide the types of substance(s) stored and the total storage capacity of each storage unit by name and CAS number.
31. Does the owner/operator of the Facility have in place a Spill Prevention, Control and Countermeasures ("SPCC") plan pursuant to 40 C.F.R. Part 112?
32. Provide a description of all procedures used to prevent and/or contain spills of substances from the Facility. This description should indicate the tanks, tank cars, tank trucks, or other equipment that are protected by dikes, the amount of material that can be contained by each dike, and the number of tanks, tank cars, tank trucks, and other equipment protected by each dike.
33. List any other information you wish to bring to the attention of the federal government at this time related to this matter.

Certify the information provided in response to the above questions in the following manner:

I hereby certify the above to be true and accurate to the best of my knowledge.

Signature: _____

Name (Please print or type): _____

Title: _____

Telephone Number: _____

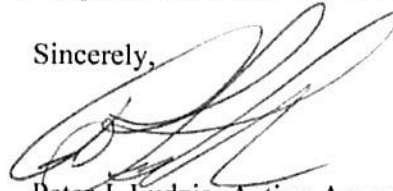
Your response should be mailed within **thirty (30) days** of your receipt of this letter to:

U.S. ENVIRONMENTAL PROTECTION AGENCY
REGION III
ATTN: PAULA CURTIN (MAILCODE 3HS61)
1060 CHAPLINE STREET
WHEELING, WV 26003

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If you have any questions on this matter, please call Paula Curtin at (304) 234-0256.

Sincerely,

A handwritten signature in black ink, appearing to read 'P. Ludzia', with a large, stylized flourish at the end.

Peter J. Ludzia, Acting Associate Director
Office of Enforcement
Hazardous Site Cleanup Division

cc: Paula Curtin (3HS61)

ENCLOSURE 1: DEFINITIONS

Discharge: For purposes of Section 311 of the Act, a discharge to navigable waters or adjoining shorelines includes, but is not limited to, any spilling, leaking, pumping, pouring, emitting, emptying, or dumping, but excludes certain discharges in compliance with a permit under Section 402 of the Act.

Drill Pad: Drill pad shall mean any drilling pad, platform, or other structure designed for use and/or actually used to drill for purposes of natural gas production, and shall include any and all equipment such as drill rigs, contained thereon.

Onshore facility: The term onshore facility shall mean any facility (including, but not limited to, motor vehicles and rolling stock) of any kind located in, on, or under, any land within the United States other than submerged land.

Offshore facility: The term offshore facility shall mean any facility of any kind located in, on, or under, any of the navigable waters of the United States, and any facility of any kind which is subject to the jurisdiction of the United States and is located in, on, or under any other waters, other than a vessel or a public vessel.

Navigable Waters: Navigable waters of the United States means “navigable waters” as defined in section 502(7) of the FWPCA, and includes: (1) All navigable waters of the United States, as defined in judicial decisions prior to passage of the 1972 Amendments to the FWPCA (Pub. L. 92-500), and tributaries of such waters; (2) Interstate waters; (3) Intrastate lakes, rivers, and streams which are utilized by interstate travelers for recreational or other purposes; and (4) Intrastate lakes, rivers, and streams from which fish or shellfish are taken and sold in interstate commerce.

Mobile Refueler: Mobile refueler means a bulk storage container onboard a vehicle or towed, that is designed or used solely to store and transport fuel for transfer into or from an aircraft, motor vehicle, locomotive, vessel, ground service equipment, or other oil storage container.

Natural Gas Production Facility: Natural Gas Production Facility (NGPF) means all structures (including but not limited to wells, platforms, or storage facilities), piping (including but not limited to flowlines or gathering lines), or equipment (including but not limited to workover equipment, separation equipment, or auxiliary non-transportation equipment) used in the production, extraction, recovery, movement, stabilization, separation and/or treating of natural gas.

Oil-filled Operational Equipment: Oil-filled operational equipment means equipment that includes an oil storage container (or multiple containers) in which the oil is present solely to support the function of the apparatus or the device. Oil-filled operational equipment is not considered a bulk storage container, and does not include oil-filled manufacturing equipment (flow-through process). Examples of oil-filled operational equipment include, but are not limited to, hydraulic systems, lubricating systems (*e.g.*, those for pumps, compressors and other rotating equipment, including pumpjack lubrication systems), gear boxes, machining coolant systems, heat transfer systems, transformers, circuit breakers, electrical switches, and other systems containing oil solely to enable the operation of the device.

Well: The term means any well that is used for or is related to natural gas production.



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION III
1650 Arch Street
Philadelphia, Pennsylvania 19103-2029

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

General Manager
Euro-Trans Incorporated
18343 Dale Drive
Brook Park, Ohio 44142-3461

FEB 21 2014

Re: November 10, 2013 – Mile Marker 7, Interstate 77 North Bound, Princeton, Mercer County, WV

Dear Sir or Madam:

This office has received information that you¹ discharged oil and/or hazardous substances in quantities that may be harmful in violation of Section 311(b)(3) of the Federal Water Pollution Control Act, 33 U.S.C. § 1321(b)(3) ("the Act") from a facility located at or near I-77, Princeton, WV ("Facility," as further defined in *Enclosure 1*). Accordingly, the U.S. Environmental Protection Agency (EPA) would like to obtain additional information regarding the alleged incident or incidents and about efforts you have undertaken at the Facility to inhibit spills of oil and/or hazardous substances including whether you/your facility is in compliance with the Spill Prevention, Control and Countermeasures (SPCC) Regulations found at Title 40 C.F.R. Part 112.

Pursuant to Section 308(a) of the Act, 33 U.S.C. § 1318(a), you are hereby required to submit to EPA the information requested in this letter. If you fail to properly respond to this request, you may be subject to penalties. Pursuant to Section 309(g) of the Act, 33 U.S.C. § 1319(g), any person who violates Section 308 of the Act is subject to administrative penalties. Pursuant to Section 309(d) of the Act, 33 U.S.C. § 1319(d), any person who violates Section 308 of the Act is subject to a civil penalty of up to \$32,500 per day of violation. You also may be subject to criminal penalties pursuant to Section 309(c) of the Act, 33 U.S.C. § 1319(c), for negligently or knowingly providing false information in response to this request. In addition, providing false, fictitious, or fraudulent statements or representations may subject you to criminal penalties under 18 U.S.C. § 1001. The information you provide may be used by EPA in administrative, civil or criminal proceedings.

You are entitled to assert a claim of business confidentiality covering any part or all of the information, in a manner described in 40 C.F.R. § 2.203(b). Information subject to a claim of business confidentiality will be made available to the public only in accordance with 40 C.F.R. Part 2, Subpart B. Unless a claim of business confidentiality is asserted at the time the requested information is submitted, EPA may make this information available to the public without further

¹For purposes of this letter, the term "you" shall refer to an individual, a company, a partnership, a sole proprietorship, or a corporation, whichever is applicable.

notice to you.

INFORMATION REQUIRED

1. Identify all substances released from the Facility in connection with the above referenced discharge, specifically identify:
 - a. The name and Chemical Abstract Services ("CAS") Number for each substance discharged;
 - b. For oils, identify the type and grade;
 - c. Provide the quantity, concentration of each substance discharged and the method by which the concentration was measured or estimated. For mixtures, provide the name, quantity, and concentration of each constituent of that mixture;
 - d. Provide the solubility and specific gravity of each substance discharged.
2. Describe the physical source (including, but not limited to vehicle, outfall, tank, container, pipe, ditch, conduit, or equipment) at the Facility from which the oil and/or hazardous substance or substances (the term "substance" as used here includes both oils and hazardous substances) initially was discharged on or around the above referenced date. If the substance was discharged from more than one source, please identify each specific source.
3. Provide the total quantity of substance(s) released from the Facility in gallons for oils and in pounds for hazardous substances.
4. List the location of the discharge, including the closest street address, the city, county, state, zip code, and provide the Global Positioning System ("GPS") coordinates.
5. List the starting time, date, and duration of the discharge and the time and date when the discharge entered a waterway.
6. List the time and date of the discovery of the discharge and the person(s) who made the discovery.
7. List the federal and state agencies, if any, to which the owner and/or operator reported the discharge(s), the dates and times on which the reports were made, and the name(s) and title(s) of the person(s) who made the reports.
8. Identify the first body of water that the substance reached. Identify the actual or estimated quantity of the substance(s) that entered that water body. Describe the location of any other water bodies that the substance(s) subsequently entered, including the actual or approximate distance from the Facility. In addition, state the actual or estimated quantity of the substance(s) that entered those additional water bodies.
9. Identify any storm drains or sewers through which the substances flowed, and identify the waters to which those storm drains or sewers subsequently drain. State the actual or estimated quantity of the substance(s) that entered the storm drain or sewer.

10. Identify whether each water identified in response to Questions 8 and 9 was, at the time of the spill, a "navigable water" as defined in *Enclosure 1*, a tributary of a navigable water; and/or physically connected to a navigable water. Identify all such navigable waters by name and identify the type of body of water (e.g. river, stream, lake, creek, or other type of body of water).
11. If no navigable waters are identified in response to Questions 8-10, identify whether the water system at any time connects with or flows into any hydrological system (such as a creek system). If so, identify the flow, extent, and duration of the connection to that system.
12. State the flow in cubic feet per second and the dimensions of each water body described in response to Questions 8 and 9. If there is no gauge station in the vicinity, please estimate the flow and provide the basis for that estimate.
13. Provide a description and the location of any adjoining shoreline upon which that substance may have reached. In addition, state the quantity of the substance that reached the adjoining shoreline.
14. For all discharges of oil to navigable waters, adjoining shorelines to navigable waters, or to any other water/shoreline, please indicate the following:
 - a. Did you observe from the oil a film, sheen, discoloration or iridescent appearance on the surface or shoreline of any water? If yes, please describe your observations;
 - b. Did, to your knowledge, any other person observe from the oil a film, sheen, discoloration or iridescent appearance on the surface or shoreline of any water? If yes, please identify all such persons and describe those observations;
 - c. Did you observe any oil sludge or oil emulsion beneath the surface or on the adjoining shorelines of any water? If yes, please describe your observations;
 - d. Did, to your knowledge, any other person observe any oil sludge or oil emulsion to be deposited beneath the surface or on the adjoining shorelines of any water? If yes, please identify all such persons and describe those observations.
15. Describe any damage to animal life or vegetation that you observed or otherwise have knowledge of.
16. List the name, address, telephone number, and affiliation of any and all persons who made any observations in response to Questions 14 and 15.
17. Identify the effect of the spill(s) on any water supply and give details if available (e.g., shutdown of public or private water supply). Provide the names and addresses of all persons that have been provided with an alternative water supply (e.g., bottled water) due to the spill or because of the threatened migration of contamination.
18. Does the facility have a National Pollutant Discharge Elimination System (NPDES) Permit or permit application? If yes, provide the permit number or, if no permit number has been issued at the time, the date upon which the application was filed.

19. If the substance(s) was discharged from an outfall, state whether the outfall was covered by an NPDES permit issued pursuant to Section 402 of the Act.
20. Identify all NPDES or state wastewater discharge permit conditions and/or water quality standards that may have been violated by the spill.
21. Provide a complete description of the cause or causes of the discharge (e.g., pump failure, by-pass of treatment system), as well as any other relevant circumstances. If the discharge was caused by the actions of a third party (for instance, as the result of an accident or vandalism), describe in detail the measures that were in place to prevent such actions. For vandalism, identify any enforcement agencies to which the owner or operator reported the vandalism.
22. Describe all steps taken to contain and clean up the spill(s) and to mitigate any environmental damage and/or threat to human health.
23. Describe any actions taken or planned to prevent the recurrence of incidents such as the release(s) identified above.
24. List the names, addresses, telephone numbers, and affiliations (e.g., name of governmental agency, contractor, or other entity) of all persons who were on the scene during the incident and/or during cleanup operations, as well as any other persons not present but otherwise believed to have knowledge of the facts surrounding the incident or incidents. For each person identified in response to this question, provide the time period during which they were present at the facility.
25. Provide the date on which operations began at the Facility
26. Provide the name(s) and address(es) of the owner(s) of the Facility.
27. Provide the name and address of the operator(s) of the Facility and describe the relationship between the owner(s) and operator(s) (i.e., employee, subcontractor, lessee, etc.). Identify any persons who concurrently with you exercised actual control or who held significant authority to control activities at the Facility at any time.
28. For production facilities, identify all prior owners and operators of the production facilities.
29. Identify any other leaks, spills, or releases of oil and/or hazardous substances into the environment that have occurred from the Facility within the last three years. For each such release, provide the following:
 - a. date;
 - b. duration of the release;
 - c. substance(s) released;
 - d. the approximate quantity of the substance(s) released;
 - e. the cause of the release;
 - f. the location of the release;

- g. any and all activities undertaken in response to each such release or threatened release, including the notification of any agencies or governmental units about the release;
 - h. The result of any and all investigations of the circumstances, nature, extent or location of the release or threatened release, including the results of any soil and water (ground and surface) testing undertaken;
 - i. Whether any persons were provided with an alternative water supply; and
 - j. All persons with information related to these releases.
30. Describe the storage units at the Facility (e.g., above ground tanks or underground tanks) and provide the types of substance(s) stored and the total storage capacity of each storage unit by name and CAS number.
31. Does the owner/operator of the Facility have in place a Spill Prevention, Control and Countermeasures ("SPCC") plan pursuant to 40 C.F.R. Part 112?
32. Provide a description of all procedures used to prevent and/or contain spills of substances from the Facility. This description should indicate the tanks, tank cars, tank trucks, or other equipment that are protected by dikes, the amount of material that can be contained by each dike, and the number of tanks, tank cars, tank trucks, and other equipment protected by each dike.
33. List any other information you wish to bring to the attention of the federal government at this time related to this matter.

Certify the information provided in response to the above questions in the following manner:

I hereby certify the above to be true and accurate to the best of my knowledge.

Signature: _____

Name (Please print or type): _____

Title: _____

Telephone Number: _____


Your response should be mailed within **thirty (30) days** of your receipt of this letter to:

U.S. ENVIRONMENTAL PROTECTION AGENCY
REGION III
ATTN: PAULA CURTIN (MAILCODE 3HS61)
1060 CHAPLINE STREET
WHEELING, WV 26003

This request for information is not subject to review by the Office of Management and Budget pursuant to the Paperwork Reduction Act, 44 U.S.C. §§ 3501-3520.

If you have any questions on this matter, please call Paula Curtin at (304) 234-0256.

Sincerely,


for Peter J. Ludzia, Acting Associate Director
Office of Enforcement
Hazardous Site Cleanup Division

cc: Paula Curtin (3HS61)